

**A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
APRIL 8, 2010 AT 11:00 A.M. IN WARRENTON, VIRGINIA**

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**A WORK SESSION REGARDING THE BOARD OF HEALTH EMERGENCY
REGULATIONS FOR ALTERNATIVE ON-SITE SEWAGE SYSTEMS (12VAC5-613)**

Fredeick P.D. Carr, Director for the Department of Community Development, introduced Charles Shepherd, of the Fauquier County Health Department, Barney Durrett, of the Fauquier County Water & Sanitation Authority, and James Sawyer, Fauquier County Soil Scientist, who reviewed pending alternative on-site sewage system emergency regulatory requirements, and discussed their impacts on the County's current practices and land development regulations.

**A WORK SSSION TO CONSIDER ENDORSEMENT OF ESTABLISHING A FOREIGN
TRADE ZONE STATUS FOR FAUQUIER COUNTY**

Talmage Reeves, Director of the Department of Economic Development, introduced Michael O'Beirne, Project Coordinator for the Mid-Atlantic Global Trade Consortium, who made a presentation on behalf of Beights Corporation to the Board of Supervisors regarding establishing a Foreign Trade Zone status for Fauquier County.

**A WORK SESSION REGARDING THE BOARD OF SUPERVISORS' INITIATED
AMENDMENT TO THE WARRENTON SERVICE DISTRICT PLAN REGARDING
THE ROUTE 211 – 17 CORRIDOR RESERVATION AREA (CPAM10–MA–001)**

Frederick P.D. Carr, Director for the Department of Community Development, briefed the Board of Supervisors on the Warrenton Service District Plan Amendment recommended for adoption by the Planning Commission. This effort started on January 10, 2008 when the Board, by resolution, directed the Department to work with the Town of Warrenton on the development of an integrated transportation plan and other matters of joint planning and development. A more detailed effort then commenced with the July 9, 2009 Board resolution that directed the Planning Commission to consider recommendations from the Transportation Committee, review and refine the draft Amendment to the Warrenton Service District Plan, submitted as part of the Route 211 – Route 17 Connector Corridor Technical Planning Study, conduct public hearing(s), and provide recommendations to the Board of Supervisors.

The meeting was reconvened at the Fauquier High School auditorium in Regular Session at 6:30 P.M.

INVOCATION

Mr. Nyhous introduced Reverend Dick Winter, Chaplain of the Warrenton Volunteer Fire & Rescue Company, who offered the invocation.

PLEDGE OF ALLEGIANCE

Commander Stan Hunter, of VFW Post #9835, introduced Eagle Scout Shane Blanchard, VFW Scout of the Year, who led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Graham moved to adopt the agenda with the following changes. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

- Add new Consent Agenda Item #6(o), a Resolution Authorizing the Chairman of the Fauquier County Board of Supervisors to Execute an Encroachment Agreement with the Fauquier County Water and Sanitation Authority.
- Remove Regular Agenda Item #7, and add as new Consent Agenda Item #6(p), a Resolution Initiating a Zoning Ordinance Text Amendment to Sections 3-309 and 15-300 to Require Special Exception Approval for a Recreational Firing Range, Skeet or Trap Shooting Facilities (Indoor or Outdoor) in the RC, RA, C-2 and I-1 Districts; and to Amend the Definition of Technical School to Allow Incidental Technical Training and/or Instruction as an Accessory Use for Other Category Uses.

CITIZENS' TIME

- Roberta Galanis, Marshall District, spoke in support of Fauquier County Fire & Rescue Association, and requested additional funding for The Plains and Orleans volunteer Fire & Rescue Departments.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Nyhous presented a Proclamation to Designate April 2010 as Donate Life Month in Fauquier County to Mrs. Jennifer Swaggert of the Washington Regional Transplant Consortium.
- Mr. Schwartz presented a Proclamation to Declare the Week of April 11-17, 2010 as National Library Week in Fauquier County to Mrs. Barbara Severin, Chair of the

Library Board, and Mrs. Maria DelRosso, Director of the Fauquier County Public Libraries.

- Mrs. Catherine Heritage, Deputy County Administrator, presented the Board of Supervisors with an Historical Print of the Warren Green Building in 1862, Donated by the Botts Family.
- Mr. Trumbo presented a Proclamation to Recognize the 60th Anniversary of The Plains Volunteer Fire Department to Mr. Tom Marable, President of the Volunteer Fire & Rescue Association.

CONSENT AGENDA

Mr. Graham moved to adopt the following Consent agenda items. Mr. Stribling seconded, and the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

Approval of the Minutes of the March 11, 2010 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Amend the FY 2010 Adopted Budget by \$33,247

RESOLUTION

A RESOLUTION TO AMEND THE FY 2010 ADOPTED BUDGET BY \$33,247

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2009, the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, during the course of the fiscal years certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on March 4, 2010, the Finance Committee recommended for FY 2010, appropriations of \$8,247 and a \$4,000 transfer from the Contingency Reserve; and

WHEREAS, at its meeting on April 1, 2010, the Finance Committee recommended for FY 2010 a \$25,000 grant appropriation and a \$3,000 transfer from the Contingency Reserve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010,
That the FY 2010 Budget be, and is hereby, amended in the amount of \$33,247 as indicated on
the attached summary.

(This space intentionally left blank)

Requesting Department	Action	Amount	Category		Explanation
			From	To	
Consent Agenda					
FY 2010					
Sheriff's Office	Insurance Reimbursement	\$430	Reimbursement	Sheriff's Office	Appropriates an insurance reimbursement to repair a wrecked vehicle.
Volunteer Fire and Rescue Association	Insurance Recoveries	\$6,258	Reimbursement	Volunteer Fire and Rescue Association	Appropriates revenue from insurance recoveries for vehicle and workers compensation for the first six months of the fiscal year.
Volunteer Fire and Rescue Association	Miscellaneous Revenues	\$1,559	Reimbursement and Fire & Rescue Revenues	Volunteer Fire and Rescue Association	Appropriates various revenues and reimbursements for conference and supply fees.
Agriculture Development	USDA Specialty Crop Block Grant	\$25,000	Federal Grant Funding	Agriculture Development	Appropriates Federal grant funding for the USDA Specialty Crop Block Grant for marketing the County's orchard industry.
Regular Agenda					
Parks & Recreation	Vint Hill Football Field Design	\$4,000	Contingency Reserve	Parks & Recreation	Transfers funding from the Contingency Reserve for design work for a football field at the Vint Hill Village Green.
General District Court	Legal Services	\$3,000	Contingency Reserve	General District Court	Transfers funding from the Contingency Reserve for public defender's services.

A Resolution to Adopt the Employee Health Care Plans and Rates for FY 2011

RESOLUTION

Article I. A RESOLUTION TO ADOPT THE EMPLOYEE HEALTH CARE PLAN AND RATES FOR FY 2011

WHEREAS, the Personnel Committee has presented recommendations to the Board of Supervisors and the School Board concerning the employee health care program; and

WHEREAS, changes in the benefit plans are recommended; and

WHEREAS, changes in rates are necessary to maintain health care; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 8th day of April 2010, That the attached report and rates be, and are hereby, adopted for FY 2011.

FAUQUIER COUNTY
HUMAN RESOURCES DEPARTMENT

County Government & Public Schools
320 Hospital Drive, Suite 34
Warrenton, Virginia 20186
(540) 428-8700 Fax: (540) 347-3610

MEMORANDUM

To: Members of the Personnel Committees for the
Boards of Supervisors and School Board

From: Janelle Downes
Director of Human Resources

Date: March 19, 2010

Subject: Fiscal Year 2011 Health Insurance Rate Structure

Anthem Blue Cross Blue Shield Medical Plans

The renewal information from Anthem Blue Cross Blue Shield was received in December 2009. Based on the information provided, no changes are being proposed for the medical insurance or the prescription drug program.

There will be no premium contribution increase for full-time or part-time permanent employees. The rates for ERIP, COBRA, & Retiree participants will be adjusted accordingly, using the rate structure that has been in place since 2003. Pages 1 through 3 of the attached file provide the proposed medical insurance rate structures for the Full-time and Part-time permanent employees, ERIP, and COBRA & Retirees participants.

Delta Dental of Virginia Dental Plans

In March 2010, the Board of Supervisors and the School Board awarded the dental insurance contract to Delta Dental of Virginia. Based on the information provided during the RFP process, the following items are being presented for adoption:

- 1) Retain current Standard and High Option dental plans.
- 2) Retain participation in the current PPO and Premier dental networks.
- 3) Add the Prevention First program to both plan options. With this program, visits to the dentist for preventive care and diagnostic services (typically x-rays, exams, and cleanings) will no longer count against the plan year maximum benefit amount.
- 4) Add certain high risk cardiac conditions to the current Health Smile, Health You program. This program provides for a third cleaning and exam beyond the plan's current two cleanings within a twelve month limit.

Premiums for Standard Option will increase by 1% and High Option premiums will increase by 2.5%. In keeping with prior year contribution formulas, it is being proposed that both the

employer and employee contributions increase accordingly. Rate structures for full-time and part-time permanent employees are illustrated on pages 4 and 5 of the attached file. The increase to full-time permanent employees would range from \$0.02 to \$1.26 per month. Rate Structures for ERIP, COBRA & Retirees, and Carve Out participants can be found on page 6.

Fauquier County Government & Public Schools

Contributions for *Full-Time Employees* - No benefit changes - FCG&PS absorbs entire increase

Illustrative Only (Enrollment includes all subgroups with the exception of FCW&SA) - Based on Expected Liability

		2009-2010				2010-2011				
Medical Coverage	Enrollment as of 12/09 (per Anthem)	Monthly Employee Cost	FCG&PS Monthly Contribution	Total Monthly Cost	% EE pays of Total Premium	Monthly Employee Cost	FCG&PS Monthly Contribution	Total Monthly Cost	\$ increase to EE	% EE pays of Total Premium
KeyCare 10 PPO										
Employee Only	650	\$ 30.74	\$ 507.24	\$ 537.98	5.7%	\$ 30.74	\$ 522.84	\$ 553.58	\$ -	5.6%
Employee & Child	84	\$ 109.60	\$ 605.57	\$ 715.17	15.3%	\$ 109.60	\$ 626.31	\$ 735.91	\$ -	14.9%
Employee & Spouse	197	\$ 289.86	\$ 812.04	\$ 1,101.90	26.3%	\$ 289.86	\$ 844.00	\$ 1,133.86	\$ -	25.6%
Employee & Family	272	\$ 372.84	\$ 890.20	\$ 1,263.04	29.5%	\$ 372.84	\$ 926.83	\$ 1,299.67	\$ -	28.7%
KeyCare 15 PPO										
Employee Only	89	\$ 15.36	\$ 494.64	\$ 510.00	3.0%	\$ 15.36	\$ 509.43	\$ 524.79	\$ -	2.9%
Employee & Child	16	\$ 89.12	\$ 588.86	\$ 677.98	13.1%	\$ 89.12	\$ 608.52	\$ 697.64	\$ -	12.8%
Employee & Spouse	20	\$ 259.14	\$ 785.47	\$ 1,044.60	24.8%	\$ 259.14	\$ 815.76	\$ 1,074.90	\$ -	24.1%
Employee & Family	61	\$ 331.86	\$ 865.51	\$ 1,197.37	27.7%	\$ 331.86	\$ 900.23	\$ 1,232.09	\$ -	26.9%
Healthkeepers 10 OA HMO										
Employee Only	98	\$ 8.00	\$ 470.80	\$ 478.80	1.7%	\$ 8.00	\$ 484.68	\$ 492.68	\$ -	1.6%
Employee & Child	27	\$ 63.50	\$ 573.00	\$ 636.50	10.0%	\$ 63.50	\$ 591.46	\$ 654.96	\$ -	9.7%
Employee & Spouse	16	\$ 218.18	\$ 762.52	\$ 980.70	22.2%	\$ 218.18	\$ 790.97	\$ 1,009.15	\$ -	21.6%
Employee & Family	66	\$ 282.70	\$ 841.41	\$ 1,124.11	25.1%	\$ 282.70	\$ 874.01	\$ 1,156.71	\$ -	24.4%
Health Keepers 20 HMO										
Employee Only	103	\$ -	\$ 430.38	\$ 430.38	0.0%	\$ -	\$ 442.86	\$ 442.86	\$ -	0.0%
Employee & Child	25	\$ 11.28	\$ 560.85	\$ 572.13	2.0%	\$ 11.28	\$ 577.44	\$ 588.72	\$ -	1.9%
Employee & Spouse	51	\$ 104.48	\$ 777.05	\$ 881.53	11.9%	\$ 104.48	\$ 802.62	\$ 907.10	\$ -	11.5%
Employee & Family	160	\$ 152.62	\$ 857.82	\$ 1,010.44	15.1%	\$ 152.62	\$ 887.12	\$ 1,039.74	\$ -	14.7%
Total Covered Associates	1,935									

U:\Benefits\Health Insurance\Open Enrollment\10-11\Board Info\FY11 Rates (3-11-10)

1

Wells Fargo Insurance Services USA, Inc.
3/19/2010

A Resolution Initiating a Subdivision Ordinance Text Amendment to Section 9 – Preliminary Plats Giving Approval Authority to the Subdivision Agent for Preliminary Plats Within the Mixed Use Special District – Bealeton Service District (MU – Bealeton) and the Planned Residential Development District (PRD)

RESOLUTION

A RESOLUTION INITIATING A SUBDIVISION ORDINANCE TEXT AMENDMENT TO SECTION 9 – PRELIMINARY PLATS GIVING APPROVAL AUTHORITY TO THE SUBDIVISION AGENT FOR PRELIMINARY PLATS WITHIN THE MIXED USE SPECIAL DISTRICT – BEALETON SERVICE DISTRICT (MU – BEALETON) AND THE PLANNED RESIDENTIAL DEVELOPMENT DISTRICT (PRD)

WHEREAS, on November 13, 2008, the Fauquier County Board of Supervisors adopted a Mixed Use Special District – Bealeton Service District (MU – Bealeton) which requires detailed submission materials; and

WHEREAS, on July 9, 2009, the Fauquier County Board of Supervisors amended the Planned Residential Development District (PRD) to require detailed submission materials; and

WHEREAS, the Planning Commission's and Board of Supervisors' review of a rezoning application to the MU Bealeton District and the PRD District involves a thorough review and consideration of information previously not reviewed until the preliminary plat stage; and

WHEREAS, the Code of Virginia Section 15.2-2260 allows the review of preliminary plats by either the Planning Commission or an agent designated by the Commission or by the governing body now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the amendment to Section 9 is hereby initiated and referred to the Planning Commission for public hearing and its recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

SECTION 9 - PRELIMINARY PLATS

9-1 Authorization and Purpose

This section is authorized by Paragraph 15.2-2258 of the Code of Virginia. The purpose is to provide the subdivider with a tentative indication as to whether the proposed subdivision complies with the rules of preparation and procedure as set forth in the Ordinance.

9-2 Pre-Application Conference

Before preparing a preliminary plat, the subdivider shall confer with the governing body's agent regarding the regulations contained in this Ordinance, the Comprehensive County Plan, the Zoning Ordinance and other applicable Ordinances. The purpose of such a conference is to assure that the applicant is made fully aware of all the requirements and interpretations of the existing Ordinances plus any amendments, which are pending at the time of plat preparation.

9-3 Application and Filing

An application for preliminary plan approval shall be submitted to the agent accompanied by eighteen (18) copies of plans and support materials required by this Ordinance and by the rules of the agent and accompanied by the required fee. No application can be submitted without appropriate support materials. Such application and materials shall be submitted not later than sixty (60) days prior to the date of the Planning Commission meeting at which the applicant wishes the plat to be considered. The submission shall be considered officially filed once approved by the agent in accordance with Section 9-4 of this Ordinance. (Amended by the Board of Supervisors on March 12, 2009.)

9-3.1 For properties zoned Mixed Use Special District – Bealeton Service District (MU – Bealeton) or for properties rezoned to Planned Residential Development District (PRD)

after the date of this text amendment, the application and materials listed above shall be submitted to the Agent not later than sixty (60) days prior to the date by which the applicant wishes the plat to be reviewed.

9-4 Application Review

The agent shall have seven (7) working days to review the application, plans and support materials in order to determine that the submission and content requirements have been met. Once the application is reviewed, written notification of the acceptance or rejection of the submission shall be sent to the applicant by mail not later than ten (10) days after the date of submission. If accepted, the submission shall be officially filed and shall be placed on the Planning Commission agenda. If rejected, the subdivider will be notified in writing with a list of deficiencies. Upon receipt of the deficiencies, the applicant may submit a revised preliminary plat addressing the deficiencies no later than sixty (60) days prior to the next scheduled Planning Commission meeting. Upon review and acceptance of the corrected submission, the application shall be considered officially filed and placed on the agenda. If rejected, the subdivider will be notified as stated above. (Amended by the Board of Supervisors on March 12, 2009.)

Written notice of the filing of a preliminary plat and the meeting date shall be sent to adjacent property owners and the applicant no later than seven (7) days after the submission is officially filed. In no case shall notification be sent less than fourteen (14) days before the Planning Commission meeting. Notice sent to the last known address of such owner(s) as shown on the current real estate tax assessment book shall be deemed adequate compliance with the requirements. The provision of notice shall be the responsibility of the Office of Community Development and Zoning. A list of adjacent property owners shall be provided by the applicant.

Failure to notify the applicant within the specified time shall result in the application being considered officially filed. Failure to notify the adjacent property owners within the specified time period shall result in an automatic tabling and re-notification of the filing.

9-4.1 For properties zoned Mixed Use Special District – Bealeton Service District (MU – Bealeton) or for properties rezoned to Planned Residential Development District (PRD) after the date of this text amendment, the agent shall have seven (7) working days to review the application, plans and support materials in order to determine that the submission and content requirements have been met. Once the application is reviewed, written notification of the acceptance or rejection of the submission shall be sent to the applicant by mail not later than ten (10) days after the date of submission. If accepted, the submission shall be officially filed and reviewed by the Agent. If rejected, the subdivider will be notified in writing with a list of deficiencies. Upon receipt of the deficiencies, the applicant may submit a revised preliminary plat addressing the deficiencies no later than sixty (60) days prior to the date by which the applicant wishes the plat to be reviewed. Upon review and acceptance of the corrected submission, the application shall be considered officially filed. If rejected, the subdivider will be notified as stated above.

Written notice of the filing of a preliminary plat shall be sent to adjacent property owners and the applicant no later than seven (7) days after the submission is officially filed. In no case shall notification be sent less than thirty (15) days after the submission is officially filed. Notice sent to the last known address of such owner(s) as shown on the current real estate tax assessment book shall be deemed adequate compliance with the requirements. The provision of notice shall be the responsibility of the Office of Community Development and Zoning. A list of adjacent property owners shall be provided by the applicant.

Failure to notify the applicant within the specified time shall result in the application being considered officially filed. Failure to notify the adjacent property owners within the specified time period shall result in re-notification of the filing.

9-5 Preliminary Plan Requirements

The following shall be included with the submission of a preliminary subdivision plan, revision, or resubdivision for consideration by the Planning Commission or Agent unless waived or modified by the Agent. The Agent may waive or modify any of these submission requirements upon request by the applicant and upon a finding by the Agent that the item waived is not needed for the specific application or that the modification serves the purpose of this Ordinance to at least an equivalent degree.

- A) Acceptance Letter from Engineers & Surveyors Institute (ESI) addressing the minimum checklist quality control review of the preliminary plat.
- B) A preliminary plat shall be prepared on one or more sheets not exceeding 24" x 36" in size. The plan shall be prepared at a scale not greater than one (1) inch to one hundred (100) feet. Such plans shall be prepared, signed in black ink and sealed (on each sheet) by a person or firm licensed in Virginia to prepare such plans. Where more than one sheet is required, a composite plan at a scale of not less than one (1) inch to three hundred (300) feet shall be submitted. The plat(s) shall contain the following:
 - 1) The title under which the subdivision is proposed to be recorded. Names proposed for subdivision which are identical to or of such similar nature as to be confusing with the names of previously recorded subdivisions, incorporated towns, and unincorporated areas of the County shall be prohibited.
 - 2) Name and address of the owner(s) and contract owner(s). If the property is under contract, the contract owner shall submit either a complete copy of the contract or an affidavit of the owner consenting to the submission of the application for subdivision.
 - 3) Name, address, and telephone number of the person or firm that prepared the plat.
 - 4) Name of the holder(s) of any easement.

- 5) Magisterial District.
- 6) Date of plan preparation.
- 7) Sheet numbers, sheet index and match lines and scale.
- 8) North Arrow: If true north is used, the method of determination must be shown.
- 9) Boundary survey at 1/10000 accuracy. All corners shall be identified.
- 10) A vicinity sketch map with North Arrow, at a scale of one (1) inch to two thousand (2000) feet showing the relationship of the proposed subdivision to the adjoining property. The map shall show within a minimum of a one (1) mile radius all adjoining roads, their names and numbers, town and/or county boundaries and subdivisions, and other landmarks.
- 11) A topographic map with a contour interval of not greater than five (5) feet compiled by either accepted field or photogrammatic methods and tied to U.S.G.S. Datum showing all the area covered by the subdivision. Interpolation or enlargements of U.S.G.S. contours shall not be accepted. The topographic map shall meet all applicable State and local accuracy standards. The source of the topography shall be identified. The five-foot contour interval requirement may be waived by the agent for lots greater than five acres in size.
- 12) The location, dimensions, width, and names of all existing or platted streets and alleys within or adjacent to the subdivision, easements, railroad rights-of-way, and land lot lines, total acreage in each use, both proposed and existing, including utilities and water courses and their names. Location of existing buildings within the proposed subdivision.
- 13) Location, number, dimensions and area (square feet or acres) of proposed and existing lots, and water bodies.
- 14) All parcels of land intended to be dedicated or reserved for public use with appropriate areas (square feet or acres) shown.
- 15) Areas shown in the Comprehensive Plan as proposed sites for schools, parks, or other public uses, which are located wholly or in part within the land being subdivided.
- 16) Preliminary plans indicating the provision/layout for all utilities, including but not limited to, water supply, sewage disposal, BMP's, and stormwater management facilities as outlined in the Fauquier County Design Standards Manual.

- 17) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.
- 18) The zoning classification and proposed use for the parcel(s) being subdivided.
- 19) Total acreage of the parcel. If more than one zoning classification, the acreage in each zoning classification shall also be provided.
- 20) Floodplain and floodway boundaries of one hundred year floodplain as shown on the FEMA Flood Insurance Rate Map, in effect at the time of submission, or an acceptable engineering study.
- 21) A drawing of the appropriate tax map scale on a sheet not larger than 24" x 36" containing the following information from tax records:
 - a) property lines
 - b) adjoining property lines
 - c) names and addresses of adjacent property owners.
- 22) Parcel Identification Number(s) of the property proposed for subdivision.
- 23) Typical road sections and functional classifications as approved by VDOT.
- 24) Projected traffic volume in accordance with Section 301.B of Chapter 3 of the Fauquier County Design Standards Manual. (Amended by the Board of Supervisors on May 8, 2008.)
- 25) Existing and proposed water usage and anticipated sewage flows in gallons per day where applicable.
- 26) Offsite drainage map from U.S.G.S. quads at a scale of 1":2000' or less showing location of property and all drainage divides.
- 27) Existing and proposed sanitary sewer, storm sewer, waterlines, and fire hydrants.
- 28) Location of any existing or proposed bridges. Location of any proposed major culverts, SWM and BMP facilities as outlined in the Fauquier County Design Standards Manual.
- 29) Proposed areas of common or non-common open space and acreage, including open space calculations and demonstration of appropriateness of location of proposed open space pursuant to Zoning Ordinance Sections 2-309, 2-406 and 2-704.

- 30) Note on the preliminary plat as to conditions and date of approval of rezoning or special exception and file number. Include copy of approved special exception plat and/or concept development plan as a sheet in the preliminary plat.
- 31) A signed statement by the present owner authorizing appropriate County and State personnel permission to enter the property for purposes of evaluating the subdivision proposal.
- 32) The engineer/surveyor shall certify that the above requirements have been met and the plat meets all applicable State and local standards to the best of his/her knowledge.
- 33) US Army Corps of Engineers Jurisdictional Determination pursuant to Section 4-32.
- 34) Location of any mapped dam break inundation zone required by Section 10.1-606.2 of the Code of Virginia. (Adopted by the Board of Supervisors on July 9, 2009.)

C) Preliminary Soil Report:

This report is to be prepared by a Professional Soil Scientist. The Soil Scientist must have the education and/or experience to meet eligibility requirements as a Virginia Certified Professional Soil Scientist (see Chapter 22 of Title 54.1 of the Code of Virginia). Credentials must be available to the County Soil Scientist upon request.

The scope and purpose of this report is reconnaissance in nature. It is intended to serve as a screening mechanism to identify those tracts of land or building sites, or parts thereof, with major soil problems relative to the proposed use. It generally relies heavily on a soil map, with reconnaissance field-work to confirm published soil mapping or actual soil mapping of a tract of land. The soil map shall delineate soil mapping of similar soil/landscape conditions and shall provide use potentials. This information is available from the Interpretive Guide to the Soils of Fauquier County.

The preliminary soil report shall include the following:

- 1) A brief description of the site terrain, bedrock geology and surficial materials. The field methods and procedures used in preparing the report.
- 2) A soil map, based on the updated Fauquier County Soil Map; superimposed over the development layout, and showing:
 - a) The general location and extent of soil mapping units for the tract and other soil/landscape features, including stone symbols, gullies, rock outcrops, springs, and wet spots symbols.

- b) General location of all soil borings and backhoe pits borings shall be to six (6) feet in depth unless bedrock or seasonal water tables are encountered at a lesser depth. Boring locations will be used for field verification by the County Soil Scientist. Distribution of borings should assure adequate coverage of soil conditions on the site evaluated. Minimum soil boring densities are: 1 boring/2 acres in tracts less than 100 acres; 1 boring/5 acres for tracts greater than 100 acres.
 - c) A certification shall be placed on the map, signed by the Soil Scientist, and stating that "The field work verifying this soil map has been completed by a professional soil scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County".
- 3) Descriptions of mapping units, including slope, drainage, landscape position, parent material, presence of perched or apparent water tables depth of bedrock, and range in characteristics for texture and color. Boring lots, field notes, field/laboratory data shall be included.
 - 4) Narratives of mapping unit potential for proposed use.
 - 5) General recommendations/conclusions, to include but not be limited to:
 - a) soil/rock problems and their extent for proposed uses.
 - b) suitability of soil materials for use as road fill and fill under slabs.
 - c) needs for drainage (foundation/road under drainage).
 - d) occurrence of high shrink-swell materials, if applicable.
 - e) topsoil and vegetative stabilization (lawns and shrubs).
 - f) soil suitability for on-site sewage disposal.
 - g) suitability for agricultural or forestal purposes, if applicable.
 - h) soil suitability for stormwater detention/BMP's.
 - i) need for further geotechnical studies.
 - 6) A certification should be placed in the report, signed by the Soil Scientist, and stating "This report has been written by a Professional Soil Scientist as required in Section 9-5 of the Subdivision Ordinance of Fauquier County. The Fauquier County Office of Community Development shall be notified in writing of any changes (amendments) to this report.

Signed_____Dated_____

Based on the findings of the soil report, staff may direct that a more detailed geotechnical study be provided to the County by the applicant prior to final plan, construction plan, or record plat approval. Such a report will be required when structural improvements are proposed on soils with high shrink-swell clays, high water tables, known low-bearing capacities, and areas which have potential geomorphic instability, per the Interpretive Guide to the Soils of Fauquier County. The geotechnical report shall contain appropriate designs, earthwork specifications, and recommendations for remedial action in problem areas. The report is to be prepared under the directions of, sealed by, a licensed professional engineer licensed in the State of Virginia with experience in geotechnical engineering.

- D) A Traffic Impact Analysis (TIA) or a traffic assessment as per Section 301.B of Chapter 3 of the Fauquier County Design Standards Manual. (Amended by the Board of Supervisors on May 8, 2008.)

9-6 ~~Planning Commission~~ Decision

A decision on the preliminary plat shall be rendered by the Commission within sixty (60) days after the official filing unless an extension is agreed to by the applicant. If the approval of any State agency, including but not limited to the Virginia Department of Transportation, is required for a feature or features of the preliminary plat, the Commission shall have an additional 45 days from the receipt of all such approvals to act on the plat. When rendering an adverse decision on a preliminary plat, the Commission shall include the specific paragraph(s) of this Ordinance and/or other applicable ordinances with which the subdivider has not complied. After an adverse decision on a preliminary plat by the Planning Commission, a corrected preliminary plat application shall be filed in the Office of Community Development, which addresses the deficiencies noted in the denial. The application and filing process shall be as specified in Sections 9-3 and 9-4 of this Ordinance. The Planning Commission's review of this amended preliminary plat shall only address those items noted as deficiencies in the denial and any changes to the plat that result from addressing the specified deficiencies.

9-6.1 For properties zoned Mixed Use Special District – Bealeton Service District (MU – Bealeton) or for properties rezoned to Planned Residential Development District (PRD) after the date of this text amendment, a decision on the preliminary plat shall be rendered by the Agent within sixty (60) days after the official filing unless an extension is agreed to by the applicant. If the approval of any State agency, including but not limited to the Virginia Department of Transportation, is required for a feature or features of the preliminary plat, the Agent shall have an additional 45 days from the receipt of all such approvals to act on the plat. When rendering an adverse decision on a preliminary plat, the Agent shall include the specific paragraph(s) of this Ordinance and/or other applicable ordinances with which the subdivider has not complied. After an adverse decision on a preliminary plat by the Agent, a corrected preliminary plat application shall be filed in the Office of Community Development, which addresses the deficiencies noted in the denial. The application and filing process shall be as specified in Sections 9-3.1 and 9-4.1 of this Ordinance. The Agent's review of this amended preliminary plat

shall only address those items noted as deficiencies in the denial and any changes to the plat that result from addressing the specified deficiencies. Any decision of the Agent shall be deemed final and no further referral to or action of the Planning Commission or Board of Supervisors shall be necessary. However, an applicant who receives an adverse decision from the Agent, may elect to seek the approval of preliminary plat application from the Planning Commission at its next regularly scheduled meeting. Failure to apply for Planning Commission approval within thirty (30) days of the date of the notice of the Agent's denial shall render the Agent's determination final. If an applicant seeks Planning Commission approval of such a preliminary plat, the procedure shall be the same as if the application was submitted directly to the Planning Commission pursuant to Section 9.3.

9-7 Referral to Board

All preliminary plats approved by the Planning Commission shall be referred to the Board of Supervisors at its next regularly scheduled meeting. The Board of Supervisors, by a majority vote, may consider a preliminary plat at that or its next regularly scheduled meeting. If the Board takes no action on preliminary plat referral, the preliminary plat shall be deemed approved in accordance with the actions of the Planning Commission. The Board shall act on the preliminary plat referral not later than its next regularly scheduled meeting unless the applicant agrees to an extension. The Board may approve, approve with modification, or deny the preliminary plat. Any action by the Board of Supervisors shall be deemed final.

9-8 Recommendations

At the time of the hearing before the Commission, the agent shall present to the Commission his recommendations concerning the preliminary plat including, but not limited to, compliance with the applicable Ordinance.

9-9 Notification of ~~Commission or Boards~~ Decision

The subdivider shall be advised as to the recommendations of the Commission or Board of Supervisors, or approval of the Agent, whichever is applicable. Such notification shall be in writing.

9-10 No Final Approval Guarantee

The approval of the preliminary plat by the Commission or Agent does not guarantee approval of the final plat and plans, unless in substantial compliance with the approved preliminary plat and in full compliance with all applicable County Ordinances and all other applicable regulations. Such approval does not constitute approval or acceptance of the subdivision by the governing body or authorization to proceed with construction or improvements on the subdivision.

9-11 Expiration

Once a preliminary subdivision plat is approved it shall be valid for a period of five years, provided the subdivider submits within three (3) years of such approval to the

Department of Community Development a final subdivision plat in accordance with this Ordinance. Failure to do so shall render preliminary approval null and void. The Planning Commission may, on written request by the subdivider, grant an extension of this three (3) year filing period. Such request shall be filed with the Department of Community Development no later than fifteen (15) days prior to the expiration of the preliminary plan. Such extension may be granted based on sufficient evidence that preparation of the final plat/construction plans is proceeding with due diligence and that extenuating circumstances have prevented the final plat from being filed. In no case shall an extension be granted for more than one (1) year after the initial three (3) year approval. In no case shall an extension be granted when conditions have changed since the date of approval or when a preliminary plat has expired.

Once an approved final plat for all or a portion of the property of a multiple phase development is recorded, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property or for such longer period as the Planning Commission may, at the time of preliminary plat approval, determine to be reasonable, taking into consideration the size and phasing of the proposed development. Such longer period shall be specifically set forth as a condition of approval of the preliminary plat. (Amended by the Board of Supervisors on October 9, 2008.) Once an approved final plat for all or a portion of the property of a multiple phase development is recorded, any underlying preliminary plat approved by the Agent in the Planned Residential Development District (PRD) or Mixed Use Special District – Bealeton Service District (MU – Bealeton) shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property.

9-12 Plans, Profiles, and Specifications

Following official notification to the subdivider of the Commission's recommendations on the preliminary plat or approval of a commercial or industrial division, or approval by the Agent of a preliminary plat in the Planned Residential Development District (PRD) or Mixed Use Special District – Bealeton Service District (MU – Bealeton), the plans, profiles and specifications for all required public or private improvements to be installed shall be prepared by a person or firm licensed in Virginia to prepare such plans in accordance with agency requirements and Section 10-5 of this Ordinance and submitted to the agent for the governing body. Such plans shall be submitted to the Department of Community Development with distribution of the plans the responsibility of the agent. If approved, one copy bearing certification of such approval shall be returned to the subdivider. If disapproved, the reason for disapproval shall be sent to the subdivider in writing. The requirements of this Section shall be accomplished during the three (3) year time for preliminary plats as set forth in Section 9-11 of this Ordinance. (Amended by the Board of Supervisors on October 9, 2008.)

9-13 Additional Design and Performance Standards

- A) In addition to the technical requirements of this Ordinance, the following shall also be evaluated. Except for agricultural lots meeting the requirements of Section 4-11(4), should any of the following be deemed to exist, the development will not be approved unless the developer and/or the County can provide an

adequate solution to remedy the problem in accordance with the requirements set forth herein.

- 1) The inability to provide a permanent means of sewage disposal acceptable to the Health Official and the County. The criteria for adequacy is as follows:
 - a) Public/central sewer to be provided by the Fauquier County Water and Sanitation Authority or other established service provider.
 - b) Where construction on drainfields is authorized, sufficient drainfields and replacement area is to be provided to last the expected life of the dwelling units. The adequacy of the area is to be approved by the Health Department.
- B) Adverse environmental impact of the development should be minimal. The criteria for determination is as follows:
 - 1) Water supplies - The impact shall be deemed excessive if the Health Official finds that the development will jeopardize the safety of present or future water supplies or that by reason of topography, soil type and condition, surface and subsurface drainage condition, water table, history of failure of septic systems in adjacent areas, and the extent of septic system development there appears to be doubt of the proper functioning of septic systems, with respect to contamination of water supplies.
 - 2) Lack of adequate drainage including excessive environmental impact with respect to drainage, shall be deemed to exist if surface or subsurface water retention and/or runoff is such that it constitutes a danger to the structural security of proposed dwelling units or other on-site structures. In addition, inadequate drainage shall be deemed to exist where proposed site grading and development creates harmful or damaging effects from erosion and siltation on downhill and/or downstream land and no adequate remedy is provided. Recommendations are to be requested from the John Marshall Soil and Water Conservation District based on the evaluation of submitted Sedimentation and Erosion Control Plan.
 - 3) Layout and Design - The development should be designed so as to provide a quality environment for residents by minimizing its adverse impact. General considerations for minimal impact are as follows:
 - a) Road and street layout should utilize topography so that unnecessary cuts and fills are avoided.
 - b) Where open space, public or private is planned the following should be considered:
 - (1) Provide an integrated system, being contiguous, if possible.

- (2) Provide convenient access to as many of the lots as possible.
- (3) Planned use and maintenance whether active or passive, should be adequately assured through a homeowners association or other method acceptable to the Governing Body.
- (4) Any system of trails or paths should be designed to take advantage of visual qualities of the area, and provide for safe and convenient movement of pedestrians.
- c) Tree masses and large individual trees, wherever possible, should be preserved.
- d) Wherever possible, utility transmission lines should be placed underground.
- e) All major streams and rivers, especially those upon which flood control, water impoundment, and recreation facilities are located or planned, should be left in the natural state where adequate or improved to provide for the maintenance of water quality standards.

A Resolution for Subdivision Street Acceptance for The Meadows of Remington Subdivision: Justin Court, Amanda Court, and Helm Drive, Lee Magisterial District

RESOLUTION

A RESOLUTION FOR SUBDIVISION STREET ACCEPTANCE FOR THE MEADOWS OF REMINGTON SUBDIVISION: JUSTIN COURT, AMANDA COURT, AND HELM DRIVE, LEE MAGISTERIAL DISTRICT

WHEREAS, Justin Court, Amanda Court, and Helm Drive, as depicted on the attached site location map, and described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised the Board of Supervisors that these streets meet the requirements established by the Subdivision Street Requirements of the Virginia Department of Transportation; and

WHEREAS, the above streets serve a genuine public need; and

WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater retention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described streets into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia, and the Virginia Department of Transportation's Subdivision Street Requirements; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty (50) feet in The Meadows of Remington Subdivision with necessary easements for cuts, fills, and drainage, as recorded in Deed Book 672, Page 644 approved on April 24, 1992; and Deed Book 1306 Page 1442 approved on November 24, 2008; and, be it

RESOLVED FINALLY, That this resolution shall become effective and a certified copy will be forwarded to the Resident Engineer for the Virginia Department of Transportation.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Ordinance to Classify Personal Property Owned by the American Bird Conservancy Exempt From Taxation

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A
PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CLASSIFY PERSONAL
PROPERTY OWNED BY THE AMERICAN BIRD CONSERVANCY EXEMPT FROM
TAXATION

WHEREAS, the American Bird Conservancy is a 501(c)(3) organization owning personal property in Fauquier County; and

WHEREAS, the American Bird Conservancy has requested an exemption from real and personal property taxation in order to permit it to be better able to use its financial resources for charitable purposes; and

WHEREAS, prior to granting a charitable organization an exemption from property tax the Board of Supervisors must conduct a public hearing and adopt an ordinance granting the exemption; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider the request of the American Bird Conservancy for a personal property tax exemption.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Amendment to Section 8-29.2 of the County Code to Create a Separate Category for the Taxation of Business Personal Property and to Incorporate a State Code Change Adding Horse Trailers to the Recreational Vehicle Category

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN AMENDMENT TO SECTION 8-29.2 OF THE COUNTY CODE TO CREATE A SEPARATE CATEGORY FOR THE TAXATION OF BUSINESS PERSONAL PROPERTY AND TO INCORPORATE A STATE CODE CHANGE ADDING HORSE TRAILERS TO THE RECREATIONAL VEHICLE CATEGORY

WHEREAS, the Code of Virginia authorizes the County to adopt separate categories of personal property and to tax those categories at different rates; and

WHEREAS, the Board of Supervisors during the 2011 Budget process determined that it is appropriate to create a separate category of business personal property to be designated as Business Furniture, Fixtures and Equipment in order to permit the taxation of this category at a rate lower than other personal property; and

WHEREAS, prior to amending the Ordinance it is necessary to conduct a public hearing to consider public input on the proposal; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider an amendment to Section 8-29.2 of the County Code to establish a separate category of business personal property.

A Resolution to Approve a Waiver for a Right-of-Way Less Than Fifty Feet in Width (WAVR10-MA-021) - Marshall District

RESOLUTION

A RESOLUTION TO APPROVE A WAIVER FOR A RIGHT-OF-WAY LESS THAN FIFTY FEET IN WIDTH (WAVR10-MA-021) – MARSHALL DISTRICT

WHEREAS, Ollie Joe and Cathy L. Lawler, owners, are seeking a waiver to Zoning Ordinance Section 7-302.1.A.3 to allow a right-of-way that is less than fifty feet in width; and

WHEREAS, the applicants propose to create an administrative lot and a residual lot from the 65.0730-acre parcel identified as PIN #6957-31-2720-000, with access via a less than fifty-foot easement which connects to Conde Road (Route 737); and

WHEREAS, On March 25, 2010, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That Zoning Ordinance Section 7-302.1.A.3 is waived to permit Ollie Joe and Cathy L. Lawler to create an administrative subdivision lot on the above referenced parcel which will be accessed by a right-of-way that is less than fifty (50) feet in width.

A Resolution Directing the County Administrator to Execute the Commonwealth of Virginia Office of Intermodal Planning and Investment Agreement for Consultant Support to Facilitate Designation of Urban Development Areas and Appropriate Ordinances

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO EXECUTE THE COMMONWEALTH OF VIRGINIA OFFICE OF INTERMODAL PLANNING AND INVESTMENT AGREEMENT FOR CONSULTANT SUPPORT TO FACILITATE DESIGNATION OF URBAN DEVELOPMENT AREAS AND APPROPRIATE ORDINANCES

WHEREAS, the Commonwealth of Virginia Secretary of Transportation informed Fauquier County that it had been awarded a Tier II Urban Development Area Planning grant for \$100,000 on January 15, 2010; and

WHEREAS, on March 25, 2010, the Commonwealth of Virginia's Multimodal Planning Office provided the County with an agreement for the expenditure of state funds for the Urban Development Area Planning Grant Study for signature; and

WHEREAS, Fauquier County agrees to the terms outlined within the referenced agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the County Administrator is directed to execute two copies of the Agreement between the Commonwealth of Virginia, Office of Intermodal Planning and Investment, and the County of Fauquier.

Ellis Estates Subdivision: Preliminary Plat/Final Construction Plan: PPLT10-SC-001 and WVRP10-SC-006 – Scott District

No action was taken.

A Resolution Directing Application to the Virginia Department of Transportation Revenue Sharing Program for FY 2011

RESOLUTION

A RESOLUTION DIRECTING APPLICATION TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION REVENUE SHARING PROGRAM FOR FY 2011

WHEREAS, the Virginia Department of Transportation (VDOT) has announced opening the application process to local governments for its FY 2011 Revenue Share Program; and

WHEREAS, completion of the Brookside Parkway is the top priority within the New Baltimore Service District Plan and Traffic Impact Analysis; and

WHEREAS, construction plan approval is pending for the leg through the Brookside Community and to the area reserved for a roundabout in Vint Hill near Kennedy Road; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this the 8th day of April 2010, That the Department of Community Development be directed to prepare the required VDOT resolution, application and Detailed Designation of Funds Form for Board action on May 13, 2010.

A Resolution Providing for the Issuance and Sale of General Obligation School Refunding Bonds, Series 2010, of the County of Fauquier, Virginia, in the Maximum Aggregate Principal Amount of \$14,500,000, Providing for the Form, Details and Payment Thereof, and Providing for the Refunding of Certain General Obligation School Bonds of the County

RESOLUTION

RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION SCHOOL REFUNDING BONDS, SERIES 2010, OF THE COUNTY OF FAUQUIER, VIRGINIA, IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$14,500,000, PROVIDING FOR THE FORM, DETAILS AND PAYMENT THEREOF, AND PROVIDING FOR THE REFUNDING OF CERTAIN GENERAL OBLIGATION SCHOOL BONDS OF THE COUNTY

WHEREAS, on October 11, 2006, the County of Fauquier, Virginia (the "County"), issued its \$39,615,000 General Obligation School Bonds, Series 2006 (the "2006 Bonds");

WHEREAS, the County can effect considerable savings by issuing its general obligation refunding bonds to advance refund all or a portion of the outstanding 2006 Bonds maturing, or having mandatory sinking fund installment payments due, on July 1 in the years 2010 through 2026 (such refunded portion, the "Refunded Bonds"), and to pay costs of advance refunding the Refunded Bonds and the costs of issuing refunding bonds;

WHEREAS, the County's administration, in collaboration with the County's financial advisor, Davenport & Company LLC (the "Financial Advisor"), has recommended to the County Board of Supervisors (the "Board") that the County issue and sell a single issue of general obligation refunding bonds through negotiation with one or more investment banking firms (collectively, the "Underwriter"); now, therefore, be it

RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FAUQUIER, VIRGINIA:

1. **Issuance of Bonds.** Pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991, there shall be issued and sold general obligation school refunding bonds of the County in the maximum aggregate principal amount of \$14,500,000 (the "Bonds") to provide funds to (a) advance refund the

Refunded Bonds, including funds to pay principal of and premium and interest on the Refunded Bonds until their earliest redemption date and (b) pay costs incurred in connection with such refunding and the costs of issuing the Bonds. The Bonds shall be sold to one or more investment banking firms selected by the County Administrator in collaboration with the Financial Advisor.

2. **Bond Details.** The Bonds shall be designated “General Obligation School Refunding Bonds, Series 2010,” shall be in registered form, shall be dated such date as determined by the County Administrator, shall be in denominations of \$5,000 and multiples thereof, and shall be numbered R-1 upward. Subject to Section 8, the issuance and sale of the Bonds to the Underwriter are authorized on terms as shall be satisfactory to the County Administrator; provided, however, that the Bonds (a) shall have a “true” or “Canadian” interest cost not to exceed 5.0% (taking into account any original issue discount or premium), (b) shall be sold to the Underwriter at a price not less than 98% of the original aggregate principal amount thereof (excluding any original issue discount), and (c) shall mature, or be subject to mandatory sinking fund redemption, in annual installments ending no later than December 31, 2026.

Each Bond shall bear interest at such rate as shall be determined at the time of sale, calculated on the basis of a 360-day year of twelve 30-day months, and payable semiannually on dates determined by the County Administrator. Principal and premium, if any, shall be payable to the registered owners upon surrender of Bonds as they become due at the office of the Registrar (as hereinafter defined). Interest shall be payable by check or draft mailed to the registered owners at their addresses as they appear on the registration books kept by the Registrar on the date prior to each interest payment date (the “Record Date”) that shall be determined by the County Administrator. Principal, premium, if any, and interest shall be payable in lawful money of the United States of America.

Initially, one Bond certificate for each maturity of the Bonds shall be issued to and registered in the name of The Depository Trust Company, New York, New York (“DTC”), or its nominee. The County has heretofore entered into a Letter of Representations relating to a book-entry system to be maintained by DTC with respect to the Bonds. “Securities Depository” shall mean DTC or any other securities depository for the Bonds appointed pursuant to this Section.

In the event that (a) the Securities Depository determines not to continue to act as the securities depository for the Bonds by giving notice to the Registrar, and the County discharges its responsibilities hereunder, or (b) the County in its sole discretion determines (i) that beneficial owners of Bonds shall be able to obtain certificated Bonds or (ii) to select a new Securities Depository, then its chief financial officer shall, at the direction of the County, attempt to locate another qualified securities depository to serve as Securities Depository and authenticate and deliver certificated Bonds to the new Securities Depository or its nominee, or authenticate and delivered certificated Bonds to the beneficial owners or to the Securities Depository participants on behalf of beneficial owners substantially in the form provided for in Section 5; provided, however, that such form shall provide for interest on the Bonds to be payable (A) from the date of the Bonds if they are authenticated prior to the first interest payment date, or (B) otherwise from the interest payment date that is or immediately precedes the date on which the Bonds are authenticated (unless payment of interest thereon is in default, in which case interest on such Bonds shall be payable from the date to which interest has been paid). In delivering certificated Bonds, the chief financial officer shall be entitled to rely on the records of the Securities Depository as to the beneficial owners or the records of the Securities Depository participants acting on behalf of beneficial owners. Such certificated Bonds will then be registrable, transferable and exchangeable as set forth in Section 7.

So long as there is a Securities Depository for the Bonds (1) it or its nominee shall be the registered owner of the Bonds, (2) notwithstanding anything to the contrary in this Resolution, determinations of persons entitled to payment of principal, premium, if any, and

interest, transfers of ownership and exchanges and receipt of notices shall be the responsibility of the Securities Depository and shall be effected pursuant to rules and procedures established by such Securities Depository, (3) the Registrar and the County shall not be responsible or liable for maintaining, supervising or reviewing the records maintained by the Securities Depository, its participants or persons acting through such participants, (4) references in this Resolution to registered owners of the Bonds shall mean such Securities Depository or its nominee and shall not mean the beneficial owners of the Bonds, and (5) in the event of any inconsistency between the provisions of this Resolution and the provisions of the above-referenced Letter of Representations such provisions of the Letter of Representations, except to the extent set forth in this paragraph and the next preceding paragraph, shall control.

3. **Redemption Provisions.** The Bonds may be subject to redemption prior to maturity at the option of the County on or after dates, if any, determined by the County Administrator, in whole or in part at any time, at a redemption price equal to the principal amount of the Bonds, together with any interest accrued to the redemption date, plus a redemption premium, if any, not to exceed 2% of the principal amount of the Bonds, such redemption premium to be determined by the County Administrator.

Any term bonds may be subject to mandatory sinking fund redemption upon terms determined by the County Administrator.

If less than all of the Bonds are called for redemption, the maturities of the Bonds to be redeemed shall be selected by the chief financial officer of the County in such manner as the officer may determine to be in the best interest of the County. If less than all the Bonds of a particular maturity are called for redemption, the Bonds within such maturity to be redeemed shall be selected by the Securities Depository pursuant to its rules and procedures or, if the book-entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds that is obtained by dividing the principal amount of such Bond by \$5,000. The County shall cause notice of the call for redemption identifying the Bonds or portions thereof to be redeemed to be sent by facsimile or electronic transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the Bonds. The County shall not be responsible for mailing notice of redemption to anyone other than DTC or another qualified securities depository or its nominee unless no qualified securities depository is the registered owner of the Bonds. If no qualified securities depository is the registered owner of the Bonds, notice of redemption shall be mailed to the registered owners of the Bonds. If a portion of a Bond is called for redemption, a new Bond in principal amount equal to the unredeemed portion thereof will be issued to the registered owner upon the surrender thereof.

4. **Execution and Authentication.** The Bonds shall be signed by the manual or facsimile signature of the Chairman or Vice Chairman of the Board, shall be countersigned by the manual or facsimile signature of the Clerk or Deputy Clerk of the Board and the Board's seal shall be affixed thereto; provided, however, that if both of such signatures are facsimiles, no Bond shall be valid until it has been authenticated by the manual signature the Registrar or if a bank has been appointed registrar pursuant to Section 7, an authorized officer or employee of such bank and the date of authentication noted thereon.

5. **Bond Form.** The Bonds shall be in substantially the form attached hereto as Exhibit A, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the officers signing the Bonds, whose approval shall be evidenced conclusively by the execution and delivery of the Bonds.

6. **Pledge of Full Faith and Credit.** The full faith and credit of the County are irrevocably pledged for the payment of principal of and premium, if any, and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the Board shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay when due the principal of and premium, if any, and interest on the Bonds.

7. **Registration, Transfer and Owners of Bonds.** U.S. Bank National Association is hereby appointed as the paying agent and registrar for the Bonds (the "Registrar"). The Board, in its discretion, may at any time appoint a different bank or trust company as successor Registrar. The Registrar shall maintain registration books for the registration and registration of transfers of Bonds. Upon presentation and surrender of any Bonds to the Registrar, or its corporate trust office if the Registrar is a bank or trust company, together with an assignment duly executed by the registered owner or his duly authorized attorney or legal representative in such form as shall be satisfactory to the Registrar, the County shall execute and the Registrar shall authenticate, if required by Section 4, and deliver in exchange, a new Bond or Bonds having an equal aggregate principal amount, in authorized denominations, of the same form and maturity, bearing interest at the same rate, and registered in names as requested by the then registered owner or his duly authorized attorney or legal representative. Any such exchange shall be at the expense of the County, except that the Registrar may charge the person requesting such exchange the amount of any tax or other governmental charge required to be paid with respect thereto.

The Registrar shall treat the registered owner as the person exclusively entitled to payment of principal, premium, if any, and interest and the exercise of all other rights and powers of the owner, except that interest payments shall be made to the person shown as owner on the registration books on the Record Date.

8. **Sale of Bonds and Bond Purchase Agreement.** The sale of the Bonds is authorized upon the following terms. The County Administrator shall (a) determine the principal amount of the Bonds, subject to the limitations set forth in Section 1, (b) determine the interest rates of the Bonds, maturity schedule of the Bonds, and the price to be paid for the Bonds by the Underwriter, subject to the limitations set forth in Section 2, (c) determine the redemption provisions of the Bonds, subject to the limitations set forth in Section 3, and (d) determine the dated date, the principal and interest payment dates and the Record Date of the Bonds, all as the County Administrator determines to be in the best interests of the County.

Following the determination of the terms of the Bonds and their sale, the County Administrator shall execute a bond purchase agreement with the Underwriter (the "Bond Purchase Agreement"), which shall be in substantially the form approved by the County Administrator in collaboration with the Financial Advisor and the County's bond counsel. Following the sale of the Bonds, the County Administrator shall file the final form of the Bond Purchase Agreement with the records of the Board. The actions of the County Administrator in selling the Bonds shall be conclusive, and no further action with respect to the sale and issuance of the Bonds shall be necessary on the part of the Board, except with respect to the ratification of the County Administrator's selection of the Underwriter, the approval of the form of Bond Purchase Agreement and the approval of the form of the Preliminary Official Statement to be used to market the Bonds. Such ratification and approvals shall be made by the Board by subsequent resolution prior to the sale of the Bonds.

9. **Preparation and Delivery of Bonds.** After the Bonds have been sold, the officers of the County are authorized and directed to take all proper steps to have the Bonds prepared and executed in accordance with their terms and to deliver the Bonds to the Underwriter upon payment therefor.

10. **Redemption of Refunded Bonds.** The County Administrator is authorized and directed to determine which maturities, if any, of the 2006 Bonds shall constitute the Refunded Bonds. Such 2006 Bonds as constitute the Refunded Bonds are specifically and irrevocably called for redemption on July 1, 2016. The Escrow Agreement shall provide for notice of redemption to be given to the registered owners of the Refunded Bonds, all in accordance with the resolution providing for the issuance of the 2006 Bonds.

11. **Escrow Deposit Agreement.** The County Administrator is authorized and directed to execute an escrow deposit agreement (the "Escrow Agreement") between the County and an escrow agent to be selected by the County Administrator (the "Escrow Agent"). The Escrow Agreement shall be in a form approved by the County Administrator, in collaboration with the County Attorney and the County's bond counsel, the execution thereof by the County Administrator to constitute conclusive evidence of the County Administrator's approval of the Escrow Agreement. The Escrow Agreement shall provide for the irrevocable deposit of a portion of the Bond proceeds (the "Refunding Portion") in an escrow fund which shall be sufficient, when invested in noncallable, direct obligations of the United States Government (the "Government Obligations"), to provide for payment of principal of and premium, if any, and interest on the Refunded Bonds; provided, however, that such Bond proceeds shall be invested in such manner that none of the Bonds will be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"). The Escrow Agent is authorized and directed to execute initial and final subscription forms for the purchase of the Government Obligations.

12. **Deposit of Bond Proceeds.** The County Treasurer is authorized and directed to (a) provide for the delivery of the Refunding Portion to the Escrow Agent for deposit in the escrow fund established by the Escrow Agreement, in an amount that will be sufficient, together with the interest thereon when invested as provided in the Escrow Agreement, (i) to pay when due the interest on the Refunded Bonds to the first date on which they may be redeemed at the option of the County and (ii) to pay upon the earlier of maturity or redemption the principal of the Refunded Bonds, plus any interest accrued and unpaid to such redemption date, plus the applicable redemption premium, and (b) deposit the remaining proceeds of the Bonds in a special account to be used to pay the costs of the refunding the Refunded Bonds and issuing the Bonds. The County Treasurer is further authorized and directed to take all such further action as may be necessary or desirable in connection with the payment and refunding of the Refunded Bonds.

13. **Arbitrage Covenants.** (a) The County represents that there have not been issued, and covenants that there will not be issued, any obligations that will be treated as part of the same issue of obligations as the Bonds within the meaning of Treasury Regulations Section 1.150-1(c).

(b) The County covenants that it shall not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code, or otherwise cause interest on the Bonds to be includable in the gross income of the registered owners thereof under existing law. Without limiting the generality of the foregoing, the County shall comply with any provision of law which may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the gross proceeds of the Bonds, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Bonds from being includable in the gross income of the registered owners thereof under existing law. The County shall pay any such required rebate from its legally available funds.

14. **Non-Arbitrage Certificate and Elections.** Such officers of the County as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Bonds in order to show that such expected use and investment will not violate the provisions of Section 148 of the Code, and any elections such officers deem desirable regarding rebate of earnings to the United States for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County.

15. **Limitation on Private Use.** The County covenants that it shall not permit the proceeds of the Bonds or the facilities refinanced with the proceeds of the Bonds to be used in any manner that would result in (a) 5% or more of such proceeds or the facilities refinanced with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, (b) 5% or more of such proceeds or the facilities refinanced with such proceeds being used with respect to any output facility (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Bonds from being includable in the gross income for federal income tax purposes of the registered owners thereof under existing law, the County need not comply with such covenants.

16. **Continuing Disclosure Agreement.** The Chairman or Vice-Chairman of the Board or the County Administrator, any of whom may act, are hereby authorized and directed to execute a continuing disclosure agreement setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary to assist the Underwriter in complying with the provisions of the Rule promulgated by the Securities and Exchange Commission. The continuing disclosure agreement shall be substantially in the form approved by the County officers executing such agreement, the execution and delivery of which shall constitute conclusive evidence of their approval.

17. **Other Actions.** All other actions of officers of the County in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the Bonds are approved and confirmed. The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all such further action as may be considered necessary or desirable in connection with the issuance, sale and delivery of the Bonds.

18. **Repeal of Conflicting Resolutions.** All resolutions or parts of resolutions in conflict herewith are repealed.

19. **Effective Date.** This Resolution shall take effect immediately.

The undersigned Clerk of the Board of Supervisors of the County of Fauquier, Virginia, certifies that the foregoing constitutes a true and correct extract from the minutes of a regular meeting of the Board held on the ____ day of April, 2010, and of the whole thereof so far as applicable to the matters referred to in such extract.

WITNESS my signature and the seal of the County of Fauquier, Virginia, this 8th day of April, 2010.

Clerk of the Board of Supervisors,
County of Fauquier, Virginia

EXHIBIT A - Form of Bond

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the issuer or its agent for registration of transfer, exchange, or payment, and any certificate is registered in the name of Cede & Co., or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

REGISTERED

REGISTERED

No. R-____

\$_____

UNITED STATES OF AMERICA
COMMONWEALTH OF VIRGINIA
COUNTY OF FAUQUIER
General Obligation School Refunding Bond

Series 2010

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____%		_____, 2010	_____

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: _____ DOLLARS

The County of Fauquier, Virginia (the "County"), for value received, promises to pay, upon surrender hereof to the registered owner hereof, or registered assigns or legal representative, the principal sum stated above on the maturity date stated above, subject to prior redemption as hereinafter provided, and to pay interest hereon from its date semiannually on each _____ and _____, beginning _____, _____, at the annual rate stated above, calculated on the basis of a 360-day year of twelve 30-day months. Principal, premium, if any, and interest are payable in lawful money of the United States of America by U.S. Bank National Association, which has been appointed paying agent and registrar for the bonds, or at such different bank or trust company as may be appointed as successor paying agent and registrar by the County (the "Registrar").

Notwithstanding any other provision hereof, this bond is subject to a book-entry system maintained by The Depository Trust Company ("DTC"), and the payment of principal, premium, if any, and interest, the providing of notices and other matters shall be made as described in the County's Blanket Letter of Representation to DTC.

This bond is one of an issue of \$_____ General Obligation School Refunding Bonds, Series 2010, of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity, and is issued pursuant to the Constitution and statutes of the Commonwealth of Virginia, including the Public Finance Act of 1991. The bonds are issued pursuant to a resolution adopted by the County Board of Supervisors on _____, 2010, to provide funds to (a) advance refund \$_____ principal amount of the County's General Obligation Public School Bonds, Series of 2006, maturing, or having mandatory sinking fund installment payments due, on July 1 in the years ____ through _____, and (b) pay the cost of such refunding and issuing the Bonds.

Bonds maturing on or before _____, _____, are not subject to redemption prior to maturity. Bonds maturing on or after _____, _____, are subject to redemption prior to maturity at the option of the County on or after _____, _____, in whole or in part at any time, upon payment of the following redemption prices (expressed as a percentage of principal amount of bonds to be redeemed) plus interest accrued and unpaid to the redemption date:

Period During Which Redeemed <u>Both Dates Inclusive</u>	Redemption <u>Price</u>
_____, _____, to _____, _____	_____%
_____, _____, to _____, _____	_____
_____, _____, and thereafter	_____

If less than all of the bonds are called for redemption, the maturities of the bonds to be redeemed shall be selected by the chief financial officer of the County in such manner as the officer may determine to be in the best interest of the County. If less than all the bonds of a particular maturity are called for redemption, the bonds within such maturity to be redeemed shall be selected by DTC or any successor securities depository pursuant to its rules and procedures or, if the book entry system is discontinued, shall be selected by the Registrar by lot in such manner as the Registrar in its discretion may determine. In either case, (a) the portion of any bond to be redeemed shall be in the principal amount of \$5,000 or some integral multiple thereof and (b) in selecting bonds for redemption, each bond shall be considered as representing that number of bonds that is obtained by dividing the principal amount of such bond by \$5,000. The County shall cause notice of the call for redemption identifying the bonds or portions thereof to be redeemed to be sent by facsimile transmission, registered or certified mail or overnight express delivery, not less than 30 nor more than 60 days prior to the redemption date, to DTC or its nominee as the registered owner of the bonds. If a portion of this bond is called for redemption, a new bond in principal amount of the unredeemed portion hereof shall be issued to the registered owner upon surrender hereof.

The full faith and credit of the County are irrevocably pledged for the payment of principal of and premium, if any, and interest on this bond. Unless other funds are lawfully available and appropriated for timely payment of this bond, the Board shall levy and collect an annual ad valorem tax, over and above all other taxes authorized or limited by law and without limitation as to rate or amount, on all locally taxable property in the County sufficient to pay when due the principal of and premium, if any, and interest on this bond.

The Registrar shall treat the registered owner of this bond as the person exclusively entitled to payment of principal of and premium, if any, and interest on the bond and the exercise of all rights and powers of the owner, except that interest payments shall be made to the person shown as the owner on the registration books on the [15th] day of the month preceding each interest payment date.

All acts, conditions and things required by the Constitution and statutes of the Commonwealth of Virginia to happen, exist or be performed precedent to and in the issuance of this bond have happened, exist and have been performed, and the issue of bonds of which this bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and statutes of the Commonwealth of Virginia.

IN WITNESS WHEREOF, the Board of Supervisors of the County of Fauquier, Virginia, has caused this bond to be issued in the name of the County of Fauquier, Virginia, to be signed by its Chairman, its seal to be affixed hereto and countersigned by the Clerk of the Board, and this bond to be dated _____, 2010.

COUNTERSIGNED:

_____ (SEAL) _____	_____
Clerk, Board of Supervisors of Fauquier County, Virginia	Chairman, Board of Supervisors of Fauquier County, Virginia

ASSIGNMENT

FOR VALUE RECEIVED the undersigned sell(s), assign(s) and transfer(s) unto

(Please print or type name and address, including postal zip code, of Transferee)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFeree:

: :
: :
: :

the within bond and all rights thereunder, hereby irrevocably constituting and appointing

Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed

NOTICE: Signature(s) must be guaranteed by an Eligible Guarantor Institution such as a Commercial Bank, Trust Company, Securities Broker/Dealer, Credit Union or Savings Association who is a member of a medallion program approved by The Securities Transfer Association, Inc.

(Signature of Registered Owner)

NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular, without alteration or enlargement or any change whatsoever.

A Resolution for Fauquier County to Participate in the Virginia Juvenile Community Crime Control Act

RESOLUTION

A RESOLUTION FOR FAUQUIER COUNTY TO PARTICIPATE IN THE VIRGINIA
JUVENILE COMMUNITY CRIME CONTROL ACT

WHEREAS, the Commonwealth of Virginia passed the Virginia Juvenile Community Crime Control Act (VJCCCA) in 1996 to provide funding to localities to expand their non-detention-based juvenile justice services; and

WHEREAS, the Court Services Unit Director, working with the Juvenile and Domestic Relations Court Judge, prepares a plan each biennium of proposed services; and

WHEREAS, the County Administrator, the Juvenile and Domestic Relations Court Judge, the Community Policy and Management Team Chairperson, and the Juvenile Court Service Unit Director are required to approve the plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors on April 8, 2010, That Fauquier County will participate in the Virginia Juvenile Community Crime Control Act and accept funds appropriated for the purpose set forth in this Act, until it notifies the Department of Juvenile Justice, in writing, that it no longer wishes to participate; and, be it

RESOLVED FURTHER, That any revisions to the plan during the biennium will be approved by the County Administrator without further action by the County Board of Supervisors.

A Resolution to Authorize Funding to Prepare a Plan for Development of Catlett/Calverton Sewer Services

PRESOLUTION

A RESOLUTION TO AUTHORIZE FUNDING TO PREPARE A PLAN FOR
DEVELOPMENT OF CATLETT/CALVERTON SEWER SERVICE

WHEREAS, the need to address failing waste disposal systems in Catlett and Calverton has been identified as a community health issue for a number of years; and

WHEREAS, previous studies have developed options that are not financially feasible; and

WHEREAS, the development of alternative systems entailing the use of low pressure force main collection systems, FAST treatment (Fixed Activated Sludge Treatment) and non-discharge drip disposal system appears to be an option to more fully assess; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the County Administrator be, and is hereby, authorized to prepare a sewer service plan to address the needs of existing residents; and, be it

FURTHER RESOLVED, that the Board of Supervisors approves the transfer of \$60,000 from the Utility Fund contingency account to the Catlett/Calverton sewer service account.

A Resolution Authorizing the Chairman of the Fauquier County Board of Supervisors to Execute an Encroachment Agreement with the Fauquier County Water and Sanitation Authority

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE FAUQUIER COUNTY
BOARD OF SUPERVISORS TO EXECUTE AN ENCROACHMENT AGREEMENT
WITH THE FAUQUIER WATER AND SANITATION AUTHORITY

WHEREAS, the Fauquier County Water and Sanitation Authority (Authority) is the holder of a twenty-foot (20') permanent utility easement located in the Brookside Subdivision of Fauquier County; and

WHEREAS, the County is to become the holder of a variable width permanent easement in the vicinity of the existing Authority easement; and

WHEREAS, the County desires the Authority's permission to encroach into segments of the existing Authority easement in order to install the proposed multi-purpose trail; and

WHEREAS, the encroachment is shown on a plat prepared by Brookside showing the easement required by the County; and

WHEREAS, the Authority desires and intends to grant to the County the right to encroach upon the existing Authority easement in accordance with the terms set forth in the Encroachment Agreement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the Chairman of the Fauquier County Board of Supervisors be, and is hereby, authorized to execute an Encroachment Agreement with the Fauquier County Water and Sanitation Authority.

A Resolution Initiating a Zoning Ordinance Text Amendment to Sections 3-309 and 15-300 to Require Special Exception Approval for a Recreational Firing Range, Skeet or Trap Shooting Facilities (Indoor or Outdoor) in the RC, RA, C-2 And I-1 Districts; and to Amend the Definition of Technical School to Allow Incidental Technical Training and/or Instruction as an Accessory Use for Other Category Uses

RESOLUTION

A RESOLUTION INITIATING A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 3-309 AND 15-300 TO REQUIRE SPECIAL EXCEPTION APPROVAL FOR A RECREATIONAL FIRING RANGE, SKEET OR TRAP SHOOTING FACILITIES (INDOOR OR OUTDOOR) IN THE RC, RA, C-2 AND I-1 DISTRICTS; AND TO AMEND THE DEFINITION OF TECHNICAL SCHOOL TO ALLOW INCIDENTAL TECHNICAL TRAINING AND/OR INSTRUCTION AS AN ACCESSORY USE FOR OTHER CATEGORY USES

WHEREAS, it is appropriate to amend the Zoning Ordinance to better regulate firing ranges, skeet, or trap shooting facilities, indoor or outdoor; and

WHEREAS, it is appropriate to amend the Zoning Ordinance to allow an incidental amount of technical training and/or instruction as an accessory use for other uses; and

WHEREAS, adoption of the attached amendment to Section 3-309 and 15-300 supports good zoning practice, convenience and the general welfare; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the amendments to Sections 3-309 and 15-300 are hereby initiated and referred to the Planning Commission for public hearing and its recommendation; and, be it

RESOLVED FURTHER, That the following text represents the proposed changes for consideration:

See Page III-5 for Key																		
	SITE PLAN	RC	RA	RR-2	V	R-1	R-2	R-3	R-4	TH	GA	MDP	C-1	C-2	C-3	CV	I-1	I-2
3-309 OUTDOOR RECREATION (CATEGORY 9)																		
3. Firing Range, skeet or trapshooting facility (indoor or out door)	X	SP-SE	SP-SE											SP-SE			SP-SE	
17. Golf practice facility	X		SP															

15-300

DEFINITIONS

SCHOOL, TECHNICAL: ~~A school primarily developed to~~ Any use in which the primary activity of such is devoted to giving instruction or technical training in vocational, professional, musical, dramatic, artistic, dancing, ~~nursing, secretarial,~~ linguistic, scientific, religious, recreational, or other specialized subjects but not including instruction and/or technical training that is clearly incidental and/or accessory to a permitted primary use.

A RESOLUTION TO AUTHORIZE THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE FIRE TRAINING FACILITY

Mr. Stribling moved to adopt the following resolution. Mr. Trumbo seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
 Nays: None
 Absent During Vote: None
 Abstention: None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE AWARD OF A CONTRACT FOR THE CONSTRUCTION OF THE FIRE TRAINING FACILITY

WHEREAS, the Board of Supervisors has approved a budget for the construction of a burn building and related fire training resources in order to provide for continuing training of all Fauquier County fire personnel; and

WHEREAS, the Board of Supervisors has previously approved a Special Exception Permit for the fire training programs on County owned property located near the Coral Farm landfill; and

WHEREAS, the County has solicited bids for the construction of this facility; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the County Administrator be, and is hereby, authorized to enter into a construction contract with Miler Brothers in the amount of \$708,611 for the construction of the fire training facility.

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Airport Committee – Citizen at Large: Ms. Read Van de Water was appointed to fill an unexpired four-year term that ends December 31, 2011.

SUPERVISORS' TIME

- Mr. Stribling thanked all of those volunteers that give so much to the community, and he encouraged citizens to continue supporting various civic and volunteer groups. Mr. Stribling announced there will be a fundraiser Ham and Oyster Dinner on Saturday, April 10, 2010, at Cedar Lee Middle School. Mr. Stribling announced that on Sunday, April 11, 2010, the Remington Volunteer Fire Department will be holding a pancake breakfast and he encourage citizens to attend.
- Mr. Graham encouraged citizens to visit the Cows-n-Corn program in Midland and added that for details citizens may contact the organizers at info@cows-n-corn.com. Mr. Graham said this month had been difficult for him since he lost his mother, Yolanda C. Graham, in mid March and he wanted to take a moment to recognize her.
- Mr. Schwartz stated he had the privilege this past weekend of attending the Marshall Volunteer Fire Department's annual banquet and awards dinner and it was great to see so many firefighters receive the recognition they deserve. He added that he was reminded of the importance of volunteerism in the County and how it makes our community stronger, and added that he was grateful for their service.

- Mr. Nyhous announced that the Fauquier High School Spring Plant Sale will be conducted on Saturday, May 8, 2010, in the horticultural building through the efforts of Future Farmers of America, and he encouraged citizens to attend.

ANNOUNCEMENTS

- Mr. McCulla announced that at 8:00 A.M. on April 22, 2010, members of the Board of Supervisors will attend a meeting of the Business Advisory Committee in the Warrenton Visitors Center in Warrenton, Virginia.
- Mr. McCulla announced that the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on May 13, 2010, at the Warren Green Building located at 10 Hotel Street in Warrenton, Virginia.

SPECIAL EXCEPTION SPEX10-CT-013 – CHARLOTTE M. HEATH, ET AL (OWNERS / APPLICANTS)

A public hearing was held to consider an application to obtain a Category 27 Special Exception to waive the requirement to provide fifty (50) percent open space with the creation of a cluster subdivision. The property is located at 4450 Old Auburn Road (Route 670), Center District. (PIN #7914-20-0908-000). Bonnie Bogert, Planner for the Department of Community Development, summarized the application. Cecelia Marshall spoke on behalf of the Marshall family to request favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following resolution. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION TO APPROVE SPEX10-CT-013: A CATEGORY 27 SPECIAL EXCEPTION TO WAIVE THE REQUIREMENT TO PROVIDE 50% COMMON OPEN SPACE WITH THE CREATION OF A CLUSTER SUBDIVISION

WHEREAS, Charlotte M. Heath, et al, Owners and Applicants, request Special Exception approval to allow a waiver of the 50% common open space requirement on PIN 7914-20-0908-000; and

WHEREAS, on January 28, 2010, February 25, 2010 and March 25, 2010, the Fauquier County Planning Commission held public hearings on the proposed Special Exception and recommended approval of the Special Exception subject to conditions; and

WHEREAS, on April 8, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-2701; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April, 2010, that SPEX10-CT-013 be, and is hereby, approved, subject to the following conditions:

1. The Category 27 Special Exception applies to case number SPEX10-CT-013, to waive the 50% common open space requirement on the parcel having PIN 7914-20-0908-000.
2. The applicants are permitted to create a maximum of eleven (11) lots on the subject parcel (10 lots and a residue).
3. The residue parcel shall contain a minimum of fifteen (15) acres, the approximate location of which shall encompass the existing house that fronts on Old Auburn Road.
4. The residue parcel shall be deed restricted, with the following limitations:
 - a) One primary dwelling shall be permitted.
 - b) Utilities and roads may only be constructed on the property to serve the property itself. Utilities and roads to serve other properties may not be constructed.
 - c) The residue parcel shall be permitted for residential uses under Zoning Ordinance Sections 3-301 and 3-302 as well as agricultural uses under Zoning Ordinance Section 3-318.
5. All future lots created on the subject parcel through the Preliminary Plat, Family Transfer and Administrative Division processes shall also be deed restricted from further subdivision.

WARRENTON-FAUQUIER AIRPORT LEASE

A public hearing was held to consider the lease of approximately 500 square feet of office area at the Warrenton-Fauquier Airport for the purpose of offering flight school services. Paul McCulla, County Administrator, summarized the lease. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Trumbo seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION TO AUTHORIZE THE LEASE OF APPROXIMATELY FIVE HUNDRED
(500) SQUARE FEET OF OFFICE AREA AT THE WARRENTON-FAUQUIER AIRPORT
FOR THE PURPOSE OF OFFERING FLIGHT SCHOOL SERVICES

WHEREAS, the County requested proposals from businesses to provide flight school services; and

WHEREAS, the Airport Committee has evaluated the proposals and recommends that the space be leased to Aviation Adventures, LLC, for the purpose of providing flight school services; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the County Administrator be, and is hereby, authorized to execute a lease with Aviation Adventures, LLC, for flight school services.

SIX-YEAR PLAN FOR SECONDARY ROADS AND 2010-2011 SECONDARY ROAD IMPROVEMENT BUDGET

A joint public hearing was held on the 2010-2011 through 2015-2016 Six-Year Plan for Secondary Roads and the 2010-2011 Secondary Road Improvement Budget. Susan Eddy, Chief of Planning for the Department of Community Development, and David Cubbage, Residency Administrator for the Virginia Department of Transportation, summarized the Six-Year Plan for Secondary Roads. No one else spoke. The public hearing was closed. Mr. Trumbo moved to adopt the following resolution. Mr. Schwartz seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION TO ADOPT THE 2010-2011 THROUGH 2015-2016 SECONDARY
ROAD SIX-YEAR PLAN (SSYP) AND THE 2010-2011 FISCAL YEAR BUDGET

WHEREAS, the 2010-2011 through 2015-2016 Secondary Construction Six-Year Plan and the 2010-2011 Fiscal Year Budget for Fauquier County was duly advertised for public hearing and said public hearing was held on April 8, 2010, and that the items brought forth at the public hearing were duly considered; and

WHEREAS, on March 31, 2010, the Fauquier County Transportation Committee recommended adoption of the Secondary Road Six Year-Plan for 2010-2011 through 2015-2016 transportation priorities, which are outlined herein; and

WHEREAS, on April 8, 2010, the Board of Supervisors held a joint public hearing with the Virginia Department of Transportation and received public comment on the Six-Year Plan; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the 2010-2011 through 2015-2016 Secondary Construction Six-Year Plan and the 2010-2011 Fiscal Year Budget be, and are hereby, adopted as follows:

Priority	Magisterial District	Route	UPC	Route Name	Description of Work
0	Center/Scott	605	11216	Dumfries Road	Turn Lanes at Rt. 674 and Rt. 1401
0	Center/Scott	605	11217	Dumfries Road	Turn Lanes and Drainage Structure 0.294 Mi. East Rt. 674 to 0.656 Mi. East Rt. 674
0	Lee	615	87929	Silver Hill Road	Reconstruct and Surface Treat from Rt. 651 to 0.3 Mi. North
1	Lee	655	58123	Tinpot Run Road	Bridge Replacement and Approaches over Tinpot Run
2	Lee	655	93170	Tinpot Run Road/Lucky Hill Road	Improve Curve at Intersection Route 1201 and Route 655
3	Lee	651	11153	Sumerduck Road	Bridge and Approaches over Sumerduck Run
4	Cedar Run	794	52240	Heddings Road	Reconstruct and Surface Treat from Rt. 611 to end of State Maintenance
5	Marshall	688	82327	Leeds Manor Road	Two Bridge Replacements and Approaches over Thumb Run and Tributary
6	Cedar Run	692	87928	Kines Road	Reconstruct and Surface Treat from Rt. 670 to End of State Maintenance

PROPOSED FEE SCHEDULE CHANGES

A public hearing was held to consider revisions to the Community Development Fee Schedule related to telecommunication site plans. Frederick P.D. Carr, Director for the Department of Community Development, summarized the proposed fee schedule changes. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION REVISING THE DEPARTMENT OF COMMUNITY DEVELOPMENT'S FEE SCHEDULE RELATED TO TELECOMMUNICATION SITE PLANS

WHEREAS, the County contracts the technical review of proposed telecommunications facilities to an outside consultant; and

WHEREAS, the recent updating of the consultant fees, resulting from a competitive Request for Proposal process, has created the need to update fees charged to offset the price increase; and

WHEREAS, the Board of Supervisors wants County fees for required land development applications and associated documents to keep pace with inflation, personnel, processing, and inspection requirements due to application and project complexities, and to maintain effective, quality and responsible service; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That the Department of Community Development's fee schedule be revised as reflected in the attached Proposed Fee Schedule, with an effective date of May 3, 2010.

PROPOSED FEE SCHEDULE*
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING, PLANNING AND ENVIRONMENTAL DIVISIONS
EFFECTIVE ~~JULY 9, 2009~~ MAY 3, 2010

Outsourced Engineering Technical Review

The County outsources its Engineering Technical Review for stormwater management, drainage, grading and associated elements in accordance with its Design Standards Manual. Fees for such review are paid for by the applicant on an hourly basis for time spent in the review by an approved Contractor. Such additional fees are paid directly to the Contractor. Accounting and billing oversight is provided by the County. Engineering Technical Review is required for all applications involving stormwater management review or drainage evaluation, including Major Site Plans, Construction Plans, Infrastructure Plans, Floodplain Studies, Preliminary Plans and Plan Amendments. Fee estimates to be provided to the applicant at the Pre-Application Meeting.

Engineering Technical Review may be required for Rezonings, Comprehensive Plan Amendments and Special Exceptions, where such review is necessary for the adequate consideration of the application by the County.

Zoning Permits, Variances, Appeals, Amendments & Special Permits

Zoning Ordinance Text Amendment	\$1,000
Zoning Permit (including Home Occupation Permit)	\$75
Administrative Permit	\$150
Variance	\$500
Administrative Variance/Modification or any Administrative waiver authorized by ZO	\$200
Appeal to Board of Zoning Appeals	\$500**
Appeal to the Board of Supervisors	\$500**
Sign Package Permit	\$1,000
Sign Permit	Temporary All Others
	\$25 per sign \$50 per sign plus \$2 per square foot
Bio-Solid Fees	
1) Storage facilities annual fee	\$300
2) Spreading fee (paid only for acres spread)	\$2 per acre
Special Permits Categories 1 thru 8	\$500
Special Permits Categories 9 thru 22	\$800
Any Special Permit that is not in a category	\$500
Subdivision Potential Research for all Zoning Districts	\$100
Buildable Lot Determination	\$100
Reissue Valid Subdivision Potential Letter (Regulation or Property Change)	\$25
Administrative Renewal of Special Permit	\$150
Zoning Compliance Letter/Form	\$100 per parcel
Zoning Compliance Letter/Form Involving Proffers	\$250 per parcel

Special Exceptions

Category 1 & 2	\$800 plus \$25 per acre
Category 4 - 8 & 32	\$750
Category 9, 10, 11 & 23	\$1,225
Category 3, 12 - 19, 21, 22 & 24 - 30	\$900

* Fees will be deposited when received. This does not reflect that an application has been accepted. If an application should be rejected for completeness or withdrawn prior to review, upon written request, fees may be returned as appropriate or permitted.

**Fee is returned if the appellant prevails.

***Fee includes early grading plan review and land disturbing permit. It covers the total permit for the entire construction activity.

PROPOSED FEE SCHEDULE*
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING, PLANNING AND ENVIRONMENTAL DIVISIONS
EFFECTIVE ~~JULY 9, 2009~~ MAY 3, 2010

Category 20	\$900
Category 20 (Residential – 1 lot, Private Individual Sewage System)	\$700
Category 20 (Commercial, Industrial, Residential, Private Sewage System)	\$700 up to 1,000 gpd
Greater than 1,000 gpd	\$700 + \$30 per 1,000 gpd
Category 20 (Telecommunications Facilities)	\$7,000
Category 31	\$1,075
Amendment to Special Exception	50% of current SE fee
Administrative Renewal of Special Exception	\$150
Special Exception Extension/Renewal	50% of current SE fee
Any Special Exception that is not in a category	\$875

Comprehensive Plan

Comprehensive Plan Amendment (Requiring rezoning)	50% of current rezoning fee
Comprehensive Plan Amendment (No rezoning required)	\$1,600
Comprehensive Plan Compliance Review (15-2-2232 VA Code)	\$800

Postponement of any Public Hearing by Applicant After Advertisement \$150

Rezoning

Historical District	No Fee
Rural Agriculture/Rural Conservation	\$550
Rural Residential	\$1,250 plus \$40 per acre
Residential 1, 2, 3, 4 Village	\$1,250 plus \$150 per acre
Town House/Garden Apartment/Mobile Home Park	\$1,450 plus \$150 per acre
Commercial 1, Village Commercial	\$1,250 plus \$150 per acre
Commercial 2, 3	\$1,250 plus \$150 per acre
Industrial	\$1,250 plus \$150 per acre
Planned District	\$2,150 plus \$150 per acre
Proffer Amendment (Not involving significant modifications to the Concept Development Plan or Proffer Statement)	\$1,600 or 50% of current rezoning fee, whichever is less
Amendment to Approved Rezoning (Substantive changes, e.g. to the Concept Development Plan, Proffered Conditions and Traffic Impact Analysis – does not include changing Zoning districts or categories)	50% of current rezoning fee

Site Plans

Waiver of Site Plan	\$100
Minor Site Plan	
Residential	\$500 plus \$50 per unit
Non-Residential	\$500 plus \$50 per acre
Telecommunications	\$1,500 Non-Residential Fee plus \$2,400 if no Special Exception
Amendment (No additional acreage)	\$500

* Fees will be deposited when received. This does not reflect that an application has been accepted. If an application should be rejected for completeness or withdrawn prior to review, upon written request, fees may be returned as appropriate or permitted.

**Fee is returned if the appellant prevails.

***Fee includes early grading plan review and land disturbing permit. It covers the total permit for the entire construction activity.

PROPOSED FEE SCHEDULE*
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING, PLANNING AND ENVIRONMENTAL DIVISIONS
EFFECTIVE ~~JULY 9, 2009~~ **MAY 3, 2010**

Major Site Plan	
Residential	\$5,000 plus \$250/unit plus \$20/address unit
Non-Residential	\$5,000 plus \$400/disturbed acre, plus \$20/address unit
Telecommunications	\$3,000 Non-Residential Fee plus \$2,000 \$2,400 if no Special Exception
Additional fee for 3 rd and subsequent submission, excluding signature sets	\$750 flat fee
Amendment (no additional acreage or additional units)	\$1,000
Waiver of any Zoning Ordinance requirement, including landscaping, in conjunction with site plan approval	\$200 per requirement requested to be waived

Subdivisions

Preliminary Plats:	1 st Submission 2 nd Submission 3 rd & Subsequent Submissions	\$2,500 plus \$120 per lot Fee included above \$400 Flat fee
Preliminary Plat Extension		1 st \$100 – 2 nd 50% of base fee
Preliminary Plat Amendment	Minor	\$1,000
	Major	50% of current fee

Final Construction/ Infrastructure Plans		
Residential:	1 st Submission 2 nd Submission 3 rd & Subsequent submissions Signature Set	\$5,000 plus \$250 per lot Fee included above \$600 Flat Fee No Fee
Non-Residential	1 st Submission 2 nd Submission 3 rd & Subsequent submissions Signature Set	\$5,000 plus \$400 per disturbed acre Fee included above \$600 Flat Fee No Fee
Approved Construction Plans (Subsequent Amendments)		\$1,000 plus \$50 per lot
Landscape Plan Waiver (Director)		\$150
Final Plats (includes GIS addressing fee):	1 st Submission 2 nd Submission 3 rd & Subsequent submissions Signature Set	\$1,000 plus \$80 per lot Fee included above \$400 Flat Fee No Fee
Final Plat Extension		50% of Base Fee
Administrative Subdivisions (includes GIS Addressing Fee)		\$600 plus \$60 per lot
Boundary Adjustment (includes Health Department charge)		\$650
Family Transfer (includes GIS Addressing Fee)		\$600 plus \$60 per lot
Large Lot (Divisions greater than 50 acres) (includes GIS Addressing Fee)		\$500 plus \$110 per lot
Non-Residential Division		\$600 plus \$60 per lot
Appeal of the Subdivision Approval/Denial		\$500

* Fees will be deposited when received. This does not reflect that an application has been accepted. If an application should be rejected for completeness or withdrawn prior to review, upon written request, fees may be returned as appropriate or permitted.

**Fee is returned if the appellant prevails.

***Fee includes early grading plan review and land disturbing permit. It covers the total permit for the entire construction activity.

PROPOSED FEE SCHEDULE*
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING, PLANNING AND ENVIRONMENTAL DIVISIONS
EFFECTIVE ~~JULY 9, 2009~~ MAY 3, 2010

Subdivision Plat Amendment, Easement Plat, Utility Plat	\$300
Deed/Plat of Vacation/Rededication	
1-5 lots	\$200
6-24 lots	\$300
Over 25 lots	\$400
Resubdivision	See Preliminary & Final Plat Fees & Final Construction Plan Fees
Waiver of Subdivision or Zoning Ordinance Regulation (BOS & PC)	\$350
Waiver of Subdivision or Zoning Ordinance Regulation (Administrative)	\$200
Subdivision Ordinance Text Amendment	\$550

Agricultural & Forestal District

Agricultural & Forestal District Application	\$100 per parcel
Agricultural & Forestal District Withdrawal	\$100 per parcel

Streets

Street Sign Application (GIS fee)	\$30 plus cost of sign
Street Name Change (Cost of sign will be reimbursed if not approved) (GIS fee)	\$30 plus postage, advertising and sign cost
Street Resolutions/VDOT Acceptance into State System	\$500 plus \$400 per street segment
Street Inspection	\$300 per inspection request

Technical Review Fees & Permits

Traffic Impact Analysis Review	\$1,000
Private Pond Review	\$400
Floodplain Determination Letter	\$25
Floodplain Study (Requires FEMA processing)	\$500
Private Streets (Subdivision Plans)	
Base Fee (Up to 500 Feet)	\$500
Plus additional length greater than 500 feet	\$0.50 per additional foot
Design Standards Modification request (SWM and E&S)	\$300
Minor Floodplain Alteration	\$1,000
Drainage Study (Normally a driveway crossing the floodplain)	\$400
Hydrogeological Study	\$750
E&S Plan Review	\$200 plus \$50 per acre
Land Disturbing Permit	
Early Grading Permit (\$25,000 maximum)***	\$4,000/disturbed acre
Single-Family Dwelling Erosion & Sediment Control Fee	\$200
All Others (\$15,000 maximum)	\$200 plus 10% of E&S Bond
Erosion & Sediment Control Reinspection	1 st None – Subsequent \$250
Supplemental Land Disturbing Plan	\$750 + \$250 per disturbed acre
Land Disturbing Reinstatement Fee (Result of Stop Work Order)	50% of original permit fee
Wetland Mitigation/Restoration Plans	\$2,500 plus \$250 per disturbed acre
Review of Preliminary Soils Report	

* Fees will be deposited when received. This does not reflect that an application has been accepted. If an application should be rejected for completeness or withdrawn prior to review, upon written request, fees may be returned as appropriate or permitted.

**Fee is returned if the appellant prevails.

***Fee includes early grading plan review and land disturbing permit. It covers the total permit for the entire construction activity.

PROPOSED FEE SCHEDULE*
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING, PLANNING AND ENVIRONMENTAL DIVISIONS
EFFECTIVE ~~JULY 9, 2009~~ MAY 3, 2010

Less than 3 acres	\$325
30 to 30 acres	\$750
Greater than 30 acres	\$750 plus \$25 per acre in excess of 30 acres
Type 1 Soil Map & Report	
Less than 3 acres	\$325
3 to 30 acres	\$750
Greater than 30 acres	\$750 plus \$25 per acre in excess of 30 acres
Bonds	
Initial Bond Estimate Review	
Bonds up to \$300,000	\$450
Bonds greater than \$300,000	\$900
Reduction or Release	\$500 per request

* Fees will be deposited when received. This does not reflect that an application has been accepted. If an application should be rejected for completeness or withdrawn prior to review, upon written request, fees may be returned as appropriate or permitted.

**Fee is returned if the appellant prevails.

***Fee includes early grading plan review and land disturbing permit. It covers the total permit for the entire construction activity.

SPECIAL EXCEPTION AMENDMENT SEAM10-CR-002 – SCOTT W. & MARY ANN ROBERTSON (OWNERS / APPLICANTS) – LIBERTY HILL PET RESORT

A public hearing was held to consider an application to amend a previously approved Category 13 Special Exception to allow for additional activities. The property is located at 10401 Green Road (Route 674), Cedar Run District. (PIN #6990-14-2323-000). Melissa Dargis, Assistant Chief of Planning, summarized the application. Scott Robertson, Cedar Run District, Owner/Applicant, requested favorable consideration of the special exception amendment application. Ann Atanasio, Cedar Run District, stated she is an adjacent property owner and opposed the application. David Coe, Scott District, spoke in favor of the application. Lynne Clements, Scott District, Owner/Applicant, spoke in favor of the application. Mary Ann Robertson, Cedar Run District, spoke in favor of the application. Russ Atanasio, Cedar Run District, adjacent property owner, spoke in opposition to the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION TO APPROVE LIBERTY HILL PET RESORT, SEAM10-CR-002: AN AMENDMENT TO A PREVIOUSLY APPROVED CATEGORY 13 SPECIAL EXCEPTION TO ALLOW FOR ADDITIONAL ACTIVITIES

WHEREAS, Scott W. & Mary Ann Robertson, owners and applicants, are seeking Special Exception approval to amend a previously approved Category 13 Special Exception for Liberty Hill Pet Resort to allow for additional activities on PIN #6990-14-2323-000; and

WHEREAS, on January 28, 2010, the Fauquier County Planning Commission held a public hearing on the Special Exception request; and

WHEREAS, on February 25, 2010, the Fauquier County Planning Commission unanimously recommended that the application be approved, subject to conditions; and

WHEREAS, on April 8, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-1300; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That SPEX10-CR-002 be, and is hereby, approved, subject to the following conditions:

1. The approved Special Exception for Liberty Hill Pet Resort shall be granted for and run with the land indicated in this application and shall not be transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat, approved with the applications, as qualified by these development conditions.
3. The subject parcel (PIN# 6990-14-2323-000) under this Special Exception shall not be subdivided without amendment to the Special Exception in accordance with the provisions of Article 5 of the Zoning Ordinance.
4. The term of this Special Exception shall be limited to ten (10) years from the date of site plan approval, but may be extended on an annual basis by the Zoning Administrator in accordance with the provisions of Section 5-012 of the Zoning Ordinance for five (5) annual extensions, a total of fifteen (15) years. Thereafter, the Special Exception must be renewed in accordance with Section 5-013 of the Zoning Ordinance.
5. The maximum daily number of dogs at the kennel/daycare/grooming shall not exceed seventy-five (75) dogs.
6. There shall be no more than a total maximum number of 100 dogs on the site.
7. The applicants shall have the ability to conduct the following uses on the site: grooming; indoor/outdoor dog training classes; puppy training; private training; doggy daycare; dog play days and swimming; boarding (dogs & cats); and, sale of pet supplies and food.
8. The hours of operation for all activities, other than the kennel, shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday. Sunday hours shall be limited to drop off and pick up of kenneled dogs and cats during the hours of 7:00 a.m. to 8:00 p.m.
9. No outdoor training classes shall take place after dark.
10. Dogs at the facility, that are not kenneled, shall be accompanied by staff or the pet owner at all times.
11. No dog daycare shall be permitted on Sundays.
12. Temporary structures associated with the Liberty Hill Pet Resort shall have the ability to be moved around on the property so long as they are outside of the required 75' setback.
13. The Special Exception shall allow for phased growth of the kennel over time to include the following: kennel operating out of the existing farm house with 30 dogs and 5 cats; building cabins around the pond; remodeling the existing main barn to add 20 suites, 34 runs and 20 cat enclosures; and, remodeling existing Barn 2 to add 14 additional suites and 20 additional runs.
14. The use shall not exceed a maximum of 20 total employees (this includes full-time employees and part-time employees).

15. Any expansion of the use shall require amendment to this Special Exception approval.
16. The applicants shall maintain the farm building appearance of any remodeled or reconstructed buildings used for the kennel/daycare operation.
17. As shown on the Special Exception plat, this permit shall allow for the construction of dog cabins around the pond; a pavilion (not to exceed 1,200 square feet) alongside Barn 1 for picnic, training and to exercise dogs during inclement weather; additional fencing around exercise areas; a dome on the pool in the winter; and, a tent or pole barn building (not to exceed 1,800 square feet) for additional sheltered space.
18. A Preliminary Soil Report will be required if a major site plan is required.
19. Geotechnical Investigation will be required prior to issuance of a building permit.
20. Jurisdictional Determination will be required if land disturbance is planned in areas mapped "78A."
21. The applicants shall comply with all applicable water and sewage treatment standards as determined by the Virginia Department of Health.

SPECIAL EXCEPTIONS/SPECIAL PERMIT SPEX10-MA-008, SPEX10-MA-009, & SPPT10-MA-012 – CBCAM, LLC (OWNER) / CECIL & REBECCA CAMPBELL (APPLICANTS) – LEE HIGHWAY NURSERY

A public hearing was held to consider an application to obtain a Category 18 Special Exception to allow for a farmer's market and a Category 9 Special Exception to allow for Class "C" events. Applicants are also requesting an amendment to an existing Special Permit. The property is located at 7185 Burke Lane, Marshall District. (PIN #6982-10-4663-000). Holly Meade, Senior Planner, summarized the application. No one else spoke. The public hearing was closed. Mr. Schwartz moved to adopt the following resolution. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

RESOLUTION

A RESOLUTION TO APPROVE SPEX10-MA-008, SPEX10-MA-009, AND SPPT10-MA-012 – LEE HIGHWAY NURSERY – APPLICANTS WISH TO OBTAIN A CATEGORY 18 SPECIAL EXCEPTION TO ALLOW FOR A FARMER'S MARKET AND A CATEGORY 9 SPECIAL EXCEPTION TO ALLOW FOR CLASS "C" EVENTS. APPLICANTS ARE ALSO REQUESTING AN AMENDMENT TO AN EXISTING SPECIAL PERMIT

WHEREAS, Lee Highway Nursery is seeking a Category 18 Special Exception to allow for a Farmer's Market, a Category 9 Special Exception to allow for Class "C" Events, and an amendment to an existing Special Permit on PIN #6982-10-4663-000; and

WHEREAS, the original Special Permit for the plant nursery/greenhouse was permitted by the Board of Supervisors in 1979; and

WHEREAS, the Board of Zoning Appeals approved an expansion of the plant nursery/greenhouse in 1991; and

WHEREAS, on March 25, 2010, the Fauquier County Planning Commission held the final public hearing on the Special Exception and Special Permit requests and unanimously recommended that the applications be approved, subject to conditions; and

WHEREAS, on April 8, 2010, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the size and road frontage of the parcel will not cause an undue impact on the neighbors and will not adversely affect safety or road usage; and

WHEREAS, the Board of Supervisors waives the requirement that the parcel contain the primary residence of the proprietor in accord with Section 5-1812 (7); and

WHEREAS, the Board of Supervisors concurred with the Planning Commission and agreed that the application satisfies the standards of Zoning Ordinance Articles 5-006, 5-916, 5-1804, and 5-1812; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 8th day of April 2010, That SPEX10-MA-008, SPEX10-MA-009 and SPPT10-MA-012 be, and are hereby, approved, subject to the following conditions:

1. The property is approved for use as a Greenhouse/Nursery with Retail Sales, a Farmer's Market, and Class "C" events, consistent with the materials submitted with this application including the Special Exception exhibit. Adjustments to the layout shown on the plat may be made to comply with the following conditions or to meet Zoning Ordinance requirements.
2. Sales shall be limited to the following items:
 - a. Greenhouse/Nursery sales are limited to plants, shrubs, trees and other materials used in indoor or outdoor planting, as well as accessory items directly related to their care, maintenance, or aesthetic enhancement. In no case shall power tools, motorized garden vehicles or machinery be sold on the property. Hand tools, wheelbarrows, and retail sales associated with the greenhouse shall be permitted.
 - b. All other sales shall meet the limitations for a farmer's market, which shall include only agricultural products and accessory products directly related to the culture, care, use of or processing of agricultural products, to include pottery, baskets, baked goods, and similar type items. At least 80% of the farmer's market products sold on-site shall be grown or produced within Fauquier County.

3. The repair, service, or sale and/or storage of parts and/or materials related to vehicles and non-vehicular equipment designed specifically for agricultural purposes, whether for use on a farm or in the transportation of farm related products, is strictly prohibited on-site.
4. Access shall be from Route 1013 (Burke Lane) only.
5. A site plan is required.
6. Outdoor display of retail merchandise, equipment and/or materials related to all approved uses on-site shall be limited to the area identified on the approved site plan, unless amended with a future site plan. The storage and/or display of such retail merchandise, equipment and/or material in designated parking spaces, travel ways, landscaped areas, or any required setback is prohibited.
7. Permitted signage on the site shall consist of: a) permanent signage limited to thirty-two (32) square feet in area, and meeting all applicable Zoning Ordinance provisions, and b) one (1) temporary, portable sign up to twelve (12) square feet in size and six (6) feet in height for the purpose of advertising products available in conjunction with the farmer's market business. Such temporary sign shall be displayed during business hours only. All permitted signage requires the appropriate County permits and signs shall not be displayed in the public right-of-way. Should the sign ordinance be comprehensively amended in the future, the permanent and temporary signs shall be replaced within one year to conform to the new Zoning Ordinance requirements, provided that such requirements continue to permit a message board incorporated into the sign at this site.
8. Class "C" events are approved for a maximum of five weekends during October, occurring from noon to 5:00 p.m. on Saturdays and Sundays. Each event (Saturday and Sunday combined) shall have not more than 100 attendees, with a maximum of 50 individuals at any one time. No amplified noise shall be permitted. Permitted activities during the events are limited to hayrides, no more than two moon bounces, pumpkin patch or other like activities deemed similar and approved by the Zoning Administrator.
9. Vendors are prohibited at the Class "C" events.
10. No structure associated with the Class "C" events shall be located closer than 100 feet to any lot line.
11. The special exception holder shall provide adequate security, emergency, traffic control, sanitation and refreshment services at every Class "C" event or activity. At least thirty (30) days prior to holding a Class "C" event the holder of the special exception for the property upon which a Class "C" event will be held shall provide to the Zoning Administrator written proof, including copies of any permits or licenses if required, from the following agencies that control traffic, security, emergency services, and on-site sanitary and refreshment facilities are adequate for the size and type of event or activity to be held:

Fauquier County Sheriff's Office
Virginia Department of Transportation

12. The farmer's market is limited to half of the existing 3,220 square foot building, or 1,610 square feet.
13. The permits for the Greenhouse/Nursery with Retail Sales, a Farmer's Market, and Class "C" events shall be limited as permitted by Section 5-008 of the Fauquier County Zoning Ordinance to a period of one year from the date of approval, but may be extended on an annual basis by the Zoning Administrator in accordance with the provisions of Section 5-012 of the Zoning Ordinance for four (4) annual extensions, for a total of five (5) years. Thereafter, the permits must be renewed in accordance with Section 5-013 of the Zoning Ordinance.

COMPREHENSIVE PLAN AMENDMENT CPAM08-CR-005

A public hearing was held to consider an update to the Catlett, Calverton, Midland Village Service District Plan, Chapter 6 of the Fauquier County Comprehensive Plan. Susan Eddy, Chief of Planning, summarized the proposed amendment. William Fendley, Cedar Run District; Kathleen King, Scott District; David Burton, Jr., Cedar Run District; Scott Hook, Cedar Run District; Jim Cirillo, Cedar Run District; and Bruce Smith, Cedar Run District, spoke in opposition to the Comprehensive Plan Amendment, specifically to the proposed closing of Casanova Road and rerouting traffic to Bastable Mill Road. Leslie Cheek, representing Citizens for Fauquier County, spoke in support of the Planning Commission concept, and opposed the most recent draft of the Comprehensive Plan Amendment which would bring rural/agricultural land into the service district. No one else spoke. Mr. Graham moved to continue the public hearing and defer a decision on this matter for up to sixty days. Mr. Stribling seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

COMPREHENSIVE PLAN AMENDMENTS CPAM10-MA-001

A public hearing was held to consider a Comprehensive Plan Amendment to the Warrenton Service District Plan for the reintroduction of the Route 211 – Route 17 Connector corridor reservation. Frederick P.D. Carr, Director for the Department of Community Development, summarized the proposed amendment. Powell Duggan, spoke on behalf of the Warrenton Town Council and as Chairman of the Warrenton Transportation Safety Commission, to request favorable consideration of the proposed Comprehensive Plan Amendment.

Dale Koglin, Center District; Pat Koglin, Center District; Alberta Costello, Center District; Billy Harris, Center District; Betsy Surles, Center District; Joan Wines, Center District; Sparky Lewis, Warrenton Town Council; John Mayhugh, Center District; William Miller, Center

District; Randy Minter, Marshall District; David Pfeffer, Marshall District; and (unidentified speaker), spoke in favor of the proposed Comprehensive Plan Amendment. Kitty Smith, Marshall District; Rich Holland, representing Silver Cup Homeowners Association, Marshall District; Jean Perin, Scott District, representing Piedmont Environmental Council; Joanne Glascock, Marshall District; Doris Young, Marshall District; Nancy Powell, Marshall District; Wendy Campbell, Marshall District; Denny Baumann, Marshall District; Randy Anderson, Marshall District; Joseph Whistler, representing Waterloo North Homeowners Association, Marshall District; Gisela Weinland, Marshall District; Mark Nesfeder, Center District; Tony Tedeschi, Marshall District; Mark Gazillo, Center District; Diane Simonson, Center District; Jeff Simonson, Center District; Les Cheek, representing Citizens for Fauquier County; Karen Egazarian, Center District; John Donner, Marshall District; Fred Gosain, Center District; Greg Egazarian, Center District; Mike Dempsey, Center District; Shelly Powell, Center District; Amelia Stansell, Center District; and Troy Stansell, spoke in opposition to the proposed Comprehensive Plan Amendment.

No one else spoke. The public hearing was closed. Mr. Nyhous moved to postpone further action on this matter until the next regular Board meeting on May 13, 2010. Mr. Graham seconded, and following discussion, the vote for the motion was unanimous as follows:

Ayes:	Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo
Nays:	None
Absent During Vote:	None
Abstention:	None

With no further business, the meeting was adjourned at 9:31 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on April 8, 2010.

Paul S. McCulla
Clerk to the Board of Supervisors